DOCUMENT RESUME

ED 378 742 EC 303 639

TITLE	Hearing on the Reauthorization of the Individuals with Disabilities Education Act (IDEA). Hearing before the Subcommittee on Select Education and Civil Rights of the Committee on Education and Labor. House of Representatives, One Hundred Third Congress, Second Session.
INSTITUTION	Congress of the U.S., Washington, DC. House Subcommittee on Select Education and Civil Rights.
REPORT NO	ISBN-0-16-046113-8
PUB DATE	28 Apr 94
NOTE	218p.; Serial No. 103-91.
AVAILABLE FROM	U.S. Government Printing Office, Superintendent of Documents, Congressional Sales Office, Washington, DC 20402.
PUB TYPE	Legal/Legislative/Regulatory Materials (090)
EDRS PRICE	MF01/PC09 Plus Postage.
DESCRIPTORS	*Disabilities; *Educational Legislation; Elementary Secondary Education; *Federal Legislation; Hearings; *Inclusive Schools; Mainstreaming; Regular and Special Education Relationship; Student Placement
IDENTIFIERS	Congress 103rd; *Individuals with Disabilities Education Act; *Reauthorization Legislation

ABSTRACT

This Congressional hearing on the reauthorization of the Individuals with Disabilities Education Act was held to define the necessary elements and supports that must be in place in order to make inclusion work successfully for students with disabilities, parents, and teachers. It contains statements and supplemental materials from: (1) Congressional representatives, including Cass Ballenger (North Carolina) and Major Owens (New York); (2) the General Accounting Office; (3) educators, including Barbara Bateman, Daniel P. Hallahan, James M. Kauffman, and Patrick Schwarz; (4) private organizations, including Action for Children to Insure Options Now, American Association of University Affiliated Programs for Persons with Developmental Disabilities, National Education Association, Council for Exceptional Children, National Association of Private Schools for Exceptional Children, American Society for Deaf Children, American Federation of Teachers, and National Association of State Boards of Education; (5) parents, including Lyda L. Astrove, Jill R. Barker, Carlos A. Oberti, and Valerie J. Veltman; and (6) an individual with a disability, Roberta Gallant. (JDD)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

EC

HEARING ON THE REAUTHORIZATION OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

ED 378 742

HEARING

BEFORE THE

SUBCOMMITTEE ON SELECT EDUCATION
AND CIVIL RIGHTS

OF THE

COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

HEARING HELD IN WASHINGTON, DC, APRIL 28, 1994

Serial No. 103–91

Printed for the use of the Committee on Education and Labor

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☑ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy

U.S. GOVERNMENT PRINTING OFFICE

83-885 CC WASHINGTON : 1994

For sale by the U. S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-046113-8

EC 303639

BEST COPY AVAILABLE

COMMITTEE ON EDUCATION AND LABOR

WILLIAM D. FORD, Michigan, *Chairman*

WILLIAM (BILL) CLAY, Missouri
GEORGE MILLER, California
AUSTIN J. MURPHY, Pennsylvania
DALE E. KILDEE, Michigan
PAT WILLIAMS, Montana
MATTHEW G. MARTINEZ, California
MAJOR R. OWENS, New York
THOMAS C. SAWYER, Ohio
DONALD M. PAYNE, New Jersey
JOLENE UNSOELD, Washington
PATSY T. MINK, Hawaii
ROBERT E. ANDREWS, New Jersey
JACK REED, Rhode Island
TIM ROEMER, Indiana
ELIOT L. ENGEL, New York
XAVIER BECERRA, California
ROBERT C. SCOTT, Virginia
GENE GREEN, Texas
LYNN C. WOOLSEY, California
CARLOS A. ROMERO-BARCELO, Puerto Rico
RON KLINK, Pennsylvania
KARAN ENGLISH, Arizona
TED STRICKLAND, Ohio
RON DE LUGO, Virgin Islands
ENI F. H. FALEOMAVAEGA, American Samoa
SCOTTY BAESLER, Kentucky
ROBERT A. UNDERWOOD, Guam

WILLIAM F. GOODLING, Pennsylvania
THOMAS E. PETRI, Wisconsin
MARGE ROUKEMA, New Jersey
STEVE GUNDERSON, Wisconsin
RICHARD K. ARMEY, Texas
HARRIS W. FAWELL, Illinois
CASS BALLENGER, North Carolina
SUSAN MOLINARI, New York
BILL BARRETT, Nebraska
JOHN A. BOEHNER, Ohio
RANDY "DUKE" CUNNINGHAM, California
PETER HOEKSTRA, Michigan
HOWARD P. "BUCK" McKEON, California
DAN MILLER, Florida
MICHAEL N. CASTLE, Delaware

PATRICIA F. RISSLER, *Staff Director*
JAY EAGEN, *Minority Staff Director*

SUBCOMMITTEE ON SELECT EDUCATION AND CIVIL RIGHTS

MAJOR R. OWENS, New York, *Chairman*

DONALD M. PAYNE, New Jersey
ROBERT C. SCOTT, Virginia
THOMAS C. SAWYER, Ohio

CASS BALLENGER, North Carolina
BILL BARRETT, Nebraska
HARRIS W. FAWELL, Illinois

CONTENTS

Page

Hearing held in Washington, DC, April 28, 1994 1

Statement of:

Ficano, Dr. Marie, Chair, Government Affairs Committee, National Association of Private Schools for Exceptional Children (NAPSEC), Washington, DC; Dr. Linda G. Morra, Director, Education and Employment Issues, Health, Education, and Human Services Division, General Accounting Office, Washington, DC; Mr. Robert Chase, Vice President, National Education Association, Washington, DC, and Mr. Carlos A. Oberti, Parent, Clementon, NJ 66

Truly, Elizabeth, Esq., The American Federation of Teachers, Washington, DC; Ms. Barbara Raimondo, Parent and Board Member, American Society for Deaf Children, Sulfur, OK, Ms. Brenda Lilienthal Welburn, Executive Director, National Association of State Boards of Education (NASBE), Alexandria, VA; and Patrick Schwarz, Ph.D., Staff Development Coordinator, District 146, Tinley Park, IL 5

Prepared statements, letters, supplemental materials, et cetera:

Action for Children to Insure Options Now, Flushing, NY, prepared statement of 164

American Association of University Affiliated Programs for Persons with Developmental Disabilities, Silver Spring, MD, prepared statement of .. 143

Astrove, Lyda L., Rockville, MD, prepared statement of 127

Ballenger, Hon. Cass, a Representative in Congress from the State of North Carolina, prepared statement of 4

Barker, Jill R, Ann Arbor, MI, prepared statement of 203

Bateman, Barbara, Ph.D., Professor of Special Education, University of Oregon, Creswell, OR, prepared statement of 127

Chase, Mr. Robert, Vice President, National Education Association, Washington, DC, prepared statement of 101

Council for Exceptional Children, Reston, VA, prepared statement of 132

Ficano, Dr. Marie, Chair, Government Affairs Committee, National Association of Private Schools for Exceptional Children (NAPSEC), Washington, DC, prepared statement of 70

Gallant, Roberta, Concord, NH, prepared statement of 157

Hallahan, Daniel P., Ph.D., Professor, U of VA, Curry School of Education, Charlottesville, VA, prepared statement of 140

Kauffman, James M., Ed.D., Curry School of Education, U of VA, Charlottesville, VA, prepared statement of 159

Morra, Dr. Linda G., Director, Education and Employment Issues, Health, Education, and Human Services Division, General Accounting Office, Washington, DC, prepared statement of 78

Oberti, Mr. Carlos A., Parent, Clementon, NJ, prepared statement of 109

Owens, Hon. Major R., a Representative in Congress from the State of New York, prepared statement of 2

Raimondo, Ms. Barbara, Parent and Board Member, American Society for Deaf Children, Sulfur, OK, prepared statement of 30

Schwarz, Patrick, Ph.D., Staff Development Coordinator, District 146, Tinley Park, IL, prepared statement of 51

Truly, Elizabeth, Esq., The American Federation of Teachers, Washington, DC, prepared statement of 12

Veltman, Valerie J., Fremont, CA, prepared statement of 128

Welburn, Ms. Brenda Lilienthal, Executive Director, National Association of State Boards of Education (NASBE), Alexandria, VA, prepared statement of 40

HEARING ON THE REAUTHORIZATION OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

THURSDAY, APRIL 28, 1994

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON SELECT
EDUCATION AND CIVIL RIGHTS,
COMMITTEE ON EDUCATION AND LABOR,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:30 a.m., Room 2261, Rayburn House Office Building, Hon. Major R. Owens, Chairman, presiding.

Members present: Representatives Owens, Scott, Ballenger, Fawell, and Barrett.

Staff present: Maria Cuprill, Graden Goetz, Wanser Green, John McClain, Frank Berrios, Sally Lovejoy, Hans Meeder, and Chris Krese.

Chairman OWENS. The Subcommittee on Select Education and Civil Rights will come to order.

One of the most prominent issues associated with the reauthorization of the Individuals with Disabilities Education Act is the inclusion of children with disabilities in the regular classroom.

The purpose of today's hearing is not to debate the merits of inclusion but to define the necessary elements and supports that must be in place in order to make inclusion work successfully for students, parents, and teachers.

Education in the regular classroom must be a viable option for every child with a disability; but accomplishing that requires much more than moral pronouncements from Washington. It is already clear that inclusion is not a cheap fix. Making it happen will require a massive infusion of additional Federal resources. Through today's hearing, we hope to learn more about what the community thinks schools need to make inclusion both possible and effective.

As we discuss this issue, two critical points must be kept in mind:

First, the foundation of IDEA is the use of the individualized education plan to make placement and other decisions with respect to students with disabilities. No one placement option is right and appropriate for every single child with a disability. There must be a range of services, supports, and placements available in order to meet the needs of all children. One size does not fit all.

Secondly, where a child sits in school is irrelevant if, at the end of the school year, he or she has not learned anything. The sad fact is that what is now described as "special education" in some places is more babysitting than real education.

The reauthorization must refocus IDEA on the achievement of measurable outcomes by students. We now spend such a disproportionate amount of time and attention worrying about where a child is placed and what services are provided that we never get around to asking the most important question of all: Is the child learning? Real inclusion means expecting special education, like every other type of education, to do just that—educate the child.

[The prepared statement of the Honorable Major R. Owens follows:]

STATEMENT OF HON. MAJOR R. OWENS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

One of the most prominent issues associated with the reauthorization of the Individuals with Disabilities Education Act is the inclusion of children with disabilities in the regular classroom.

The purpose of today's hearing is not to debate the merits of inclusion but to define the necessary elements and supports that must be in place in order to make inclusion work successfully for students, parents, and teachers. Education in the regular classroom must be a viable option for every child with a disability, but accomplishing that requires much more than moral pronouncements from Washington. It is already clear that inclusion is not a cheap fix; making it happen will require a massive infusion of additional Federal resources. Through today's hearing, we hope to learn more about what the community thinks schools need to make inclusion both possible and effective.

As we discuss this issue, two critical points must be kept in mind:

First, the foundation of IDEA is the use of the individualized education plan to make placement and other decisions with respect to students with disabilities. No one placement option is right and appropriate for every single child with a disability. There must be a range of services, supports, and placements available in order to meet the needs of all children. One size does not fit all.

Secondly, where a child sits in school is irrelevant if, at the end of the school year, he or she has not learned anything. The sad fact is that what is now described as special education in some places is more babysitting than real education. The reauthorization must refocus IDEA on the achievement of measurable outcomes by students. We now spend such a disproportionate amount of time and attention worrying about where a child is placed and what services are provided that we never get around to asking the most important question of all: Is the child learning? Real inclusion means expecting special education, like every other type of education, to do just that: educate.

Chairman OWENS. I yield to Mr. Ballenger for an opening statement.

Mr. BALLENGER. Thank you, Mr. Chairman. For those of you that do not know, the Chairman and I seem to be speaking the same language and doing very well together and, when you hear my opening statement, you will think I copied his.

[Laughter.]

Mr. BALLENGER. Anyhow, Mr. Chairman, we will hear today from witnesses on one of the most controversial questions we will face in special education: in what setting should children with disabilities be educated?

As our society moves toward integrating individuals with disabilities into all facts of the work force and community, it is natural that children with disabilities also be integrated into the regular school environment

According to the Individuals With Disabilities Education Act, IDEA, school districts are to ensure, to the maximum extent appropriate, that children with disabilities are educated with children who are not disabled and, that removal of children with disabilities from the regular educational environment occurs only when that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

I believe the law itself deals with the issue of educational placement appropriately. Over the years of IDEA's existence, we have seen tremendous progress in our ability to educate most children with disabilities in the regular classroom.

With innovative approaches, especially collaborative team teaching between special education teachers and regular classroom teachers, most disabled children can receive a good education in the regular classroom and benefit from interaction with their nondisabled peers.

The difficulty with IDEA is not the general concept of inclusion but in making the specific educational placement for each child. In most cases, an inclusive setting is appropriate and probably best for the individual child but, in some cases, a separate classroom or even a separate school may provide the best educational opportunity for a child. If we are too doctrinaire in either direction, we will probably miss what is best for the children themselves.

Too often, school districts have been reluctant to provide services in regular classroom settings and, in many States, the statewide funding formulas actually encourage separate placements. These factors have led to litigation by parents trying to secure appropriate placements for their children.

I believe it would be unwise for Congress to enact changes to the IDEA that impose one type of placement option as the standard for school districts to follow. Since the law is based on assessing each individual child's educational needs, I believe it would be wisest to strengthen the Individual Education Program—the IEP—to ensure that it truly meets those individual needs.

From what I understand, development of the IEP is very "process oriented." It documents the educational setting chosen and the special services to be rendered to the child but includes very few, if any, specific academic and skills objectives for the child. Additionally, there is almost no followup evaluation of the IEP to determine whether or not the child has achieved the established objectives.

By requiring objective, measurable, individualized goals in the IEP, we can determine if the IEP is actually meeting the child's educational needs. If it is not, then the parent and the IEP team can make decisions about what changes in services and placements are needed in order to achieve the goals in the following year.

Strengthening the IEP can help us improve individualized education for each child and select the education placement and services most appropriate for the child's needs. It will also allow us to avoid the controversial pitfall of encouraging a "one size fits all" placement option that conflicts with the individualized approach that is the hallmark of IDEA.

I look forward to working with the Chairman and the members of the subcommittee to find the best approach to addressing this issue. Thank you, Mr. Chairman.

[The prepared statement of the Honorable Cass Ballenger follows:]

STATEMENT OF HON. CASS BALLENGER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

Mr. Chairman, during today's hearing, we will hear from witnesses on one of the most controversial questions we face in special education—in what setting should children with disabilities be educated?

As our society move towards integrating individuals with disabilities into all facets of the workforce and community, it is natural that children with disabilities also be integrated into the regular school environment.

According to the Individuals with Disabilities Education Act, school districts are to "ensure, to the maximum extent appropriate, that children with disabilities are educated with children who are not disabled, and that removal of children with disabilities from the regular educational environment occurs only when that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily."

I believe the law itself deals with the issue of educational placement appropriately. Over the years of IDEA's existence, we have seen tremendous progress in our ability to educate most children with disabilities in the regular classroom. With innovative approaches, especially collaborative team teaching between special education teachers and regular classroom teachers, most disabled children can receive a good education in the regular classroom and benefit from interaction with their non-disabled peers.

The difficulty with IDEA is not the general concept of inclusion, but in making the specific educational placement for each child. In most cases, an inclusive setting is appropriate and probably best for the individual child. But in some cases, a separate classroom or even a separate school, may provide the best educational opportunity for a child. If we are too doctrinaire in either direction, we will probably miss what is best for the children themselves.

Too often, school districts have been reluctant to provide services in regular classroom settings. And in many States, the statewide funding formulas actually encourage separate placements. These factors have led to litigation by parents trying to secure appropriate placements for their children.

I believe it would be unwise for Congress to enact changes to the IDEA that impose one type of placement option as the standard for school districts to follow. Since the law is based on assessing each individual child's educational needs, I believe it would be wisest to strengthen the Individualized Education Program [IEP] to ensure that it truly meets those individual needs.

From what I understand, development of the IEP is very "process oriented"—it documents the educational setting chosen and the special services to be rendered to the child, but includes very few, if any, specific academic and skills objectives for the child. Additionally, there is almost no follow-up evaluation of the IEP to determine whether or not the child has achieved the established objectives.

By requiring objective, individualized goals in the IEP, we can determine if the IEP is actually meeting the child's educational needs. If it isn't, then the parent and the IEP team can make decisions about what changes in services and placements are needed in order to achieve the IEP goals in the following year.

Strengthening the IEP can help us improve individualized education for each child and select the educational placement and services most appropriate for the child's needs. It will also allow us to avoid the controversial pitfall of encouraging a one-size-fits-all placement option that conflicts with the individualized approach that is the hallmark of IDEA.

I look forward to working with the Chairman and other members of the subcommittee to find the best approach to addressing this issue.

Chairman OWENS. Thank you. Let the record show that we have bipartisan agreement here and our effort will be directed toward mediating in the larger education community out there, which does not have such agreement.

Mr. Barrett.

Mr. BARRETT. Thank you, Mr. Chairman. I appreciate your calling this hearing on the Individuals With Disabilities Education Act.

Very briefly, I think it is important for us to remember that, even though the law and the regulations generally require education of disabled children in the least restrictive environment, there are no specific, substantive standards established by which those services can be judged to be either adequate or inadequate.

Since the premise of the law is individualized instruction that is appropriate to the needs of each child, parents and school districts often have very serious differences over what constitutes the correct educational placement, obviously leading to further litigation; so I am especially anxious to hear from our witnesses today and, hopefully, we will be able to get some answers from those who have agreed to spend a little time with us.

Thank you, Mr. Chairman.

Chairman OWENS. Thank you. The Chair would like to note that, due to emergencies beyond our control, we are going to have to divide the hearing into two parts today. The first panel will be heard and then we will recess until 1 p.m. to hear the second panel.

The first panel consists of the following persons: Elizabeth Truly, American Federation of Teachers, Washington, DC, who is replacing Mr. Albert Shanker, who was invited; Ms. Barbara Raimondo, Parent and Board Member, American Society for Deaf Children, Sulfur, Oklahoma; Ms. Brenda L. Welburn, Director, National Association of State Boards of Education, Alexandria, Virginia; and Dr. Patrick Schwarz, Staff Development Coordinator, District 146, Tinley Park, Illinois.

Welcome. We have copies of your written statements which will be entered in their entirety into the record. Before you proceed, I would like to yield to Mr. Scott for an opening statement, if he has one. Mr. Scott.

Mr. SCOTT. I do not have an opening statement, Mr. Chairman. Thank you.

Chairman OWENS. Then, we will proceed. You may use your written statement if you wish or, if you have other remarks you want to present, please feel free to do so, and we will expand on those in the question and answer period. We will begin with Ms. Truly.

STATEMENTS OF ELIZABETH TRULY, ESQ., THE AMERICAN FEDERATION OF TEACHERS, WASHINGTON, DC; MS. BARBARA RAIMONDO, PARENT AND BOARD MEMBER, AMERICAN SOCIETY FOR DEAF CHILDREN, SULFUR, OKLAHOMA, MS. BRENDA LILIENTHAL WELBURN, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION (NASBE), ALEXANDRIA, VIRGINIA; AND PATRICK SCHWARZ, PH.D., STAFF DEVELOPMENT COORDINATOR, DISTRICT 146, TINLEY PARK, ILLINOIS

Ms. TRULY. Good morning, Mr. Chairman, and members of the subcommittee. I am pleased to be here today to address one of the very important issues before you involving the education of students with disabilities.

Chairman OWENS. Can you move the microphone closer?

Ms. TRULY. My name is Elizabeth Truly. I am an attorney for New York State United Teachers, which is the statewide intermediate body for the American Federation of Teachers. Mr. Shanker would like to have been here personally to address the sub-

committee. Unfortunately, he is recovering from an illness and is unable to be with you today.

I am called upon to address you and I think one of the reasons that I was asked to come here is because I have been involved in special education, particularly in New York City and New York State, in many of the issues surrounding least restrictive environment and inclusion, for the past three years.

I have also represented the UFT at the table in the negotiations of the Jose P. case, which, as the Chairman is probably aware, has basically run special education in New York City since 1979; I guess that is almost 15 years.

The American Federation of Teachers represents 830,000 professionals and paraprofessionals who serve students in their schools, in their homes, and in their communities. We represent the teachers, the paraprofessionals, the related service providers, the nurses, the therapists.

We also represent college professors who are involved in the education or preparation of teachers who will teach disabled students. We represent public employees who serve disabled students in other agency settings.

I think it is fair to say that the Individuals With Disabilities Education Act and its predecessor, EHA, have changed forever the way that we educate students with disabilities and, while we are certainly willing to acknowledge the shortcomings and the problems that bring us here today, I think we should not lose sight of how far we have come since the EHA was passed.

I recall recently looking back at the Mills case, which I believe was the instigating factor in having Congress consider and adopt the EHA. It was a time when students with disabilities were simply not provided services at all by the public schools.

We have come a long way since then. There are very good programs out there. Students are being provided with very important services and they feel very supported in some of those programs; but we do acknowledge that there is a need to strengthen and to refocus our efforts because of the outcomes measured by dropout rates, graduation rates, and lack of success in post-education employment opportunities for disabled students.

Certainly, the over-representation of minority students in more restrictive settings in special education is one of the key issues that we must address. I have been personally involved in dealing with that issue also in New York City. There has been a subcommittee of the Regents that has been convened to deal with that issue.

I think one of the things that we have come to conclude is that it is a major problem, but it is not a problem that is amenable to a quick or easy solution. It is a very complex problem.

The Carnegie Report tells us that intervention is needed at the earliest years—meaning between birth and three years of age—if we are to prevent some of the educational deficits that cannot be remedied after a child reaches the age of three years.

The SRI longitudinal study tells us there are problems taking place in homes and communities which heretofore have been beyond the scope of responsibilities of public schools and maybe, because of the current fiscal conditions of public schools, are not going to be within the scope of the ability of schools to deal with.

We have very serious problems here, but one of the things I would caution about is some of the responses to those problems that I have been hearing about in the community.

I have had occasion recently to consult with a school district in upstate New York where, literally, staff members are being told: "Do not refer minority students for special education. We have too many minority students in special education. Therefore, do not send them here."

No effort is being made to provide those students with additional services or supports in general education. I submit this is not a solution to the problem. It is a misguided reaction to the situation.

Nor do we feel that mass movements, returning learning-disabled and emotionally disturbed kids to general education classrooms, pose viable solutions.

Again, in New York State, in Rockland County, I had a personal experience with a high school teacher who came back to school in September, in a community that is predominantly minority, to find, in his non-regents class, which is, in the New York State system of education, a lower-performing type of class; 14 out of 25 students had been previously classified as learning-disabled or emotionally disturbed and served in separate settings.

That teacher had no assistance. That teacher was individually called upon to deal, for the first time in a high-school setting, with the needs of 14 disabled students in addition to 11 non-disabled students who admittedly were not performing at the level that we would have hoped.

That teacher, under the current Individuals With Disabilities Education Act, had no remedy in terms of getting additional support into that classroom. That is a major problem.

Another problem I think we have to be aware of is that school districts are misusing the least restrictive environment to deny opportunities for placements in residential settings to students who would truly benefit from those services.

We feel that it is a cost motivation but the least restrictive environment argument provides a very politically correct cover for some of those decisions and I think, if you read some of the reports that are coming out from the State review officers and State review agencies, you will see that there are many, many cases where residential placements are being rejected and students are being turned away and sent back into settings that are not working for them.

In January, the American Federation of Teachers had a national conference in which it called together its local presidents on this issue. One of the first things that Mr. Shanker said in his opening remarks to that group was that we have to acknowledge that very large numbers of students who are now separated into special education could undoubtedly be included and integrated into regular classrooms with appropriate supports, services, and staff development.

The solution, however, I think, as acknowledged by both the Chairman and Mr. Ballenger, is not to dismantle the continuum of services. It is not to dismantle some of those programs which have served students very well. I think one of the primary things that we would urge you, when you consider the reauthorization of the

IDEA, and one of our first recommendations, is to incorporate the continuum of alternative placements into the law itself.

As you are probably aware, the continuum is discussed in the regulations implementing the IDEA. It is explicitly discussed in the regulations. However, in the law itself, it is only implicit.

We have seen school districts and, indeed, States which have moved to so-called full inclusion models which deny students opportunities for placements in other than general education classroom settings. We think that this is a mistake. We think it is important for Congress to reaffirm and support the importance of the continuum of alternative placements by incorporating that directly into the statute.

I might inform you, Mr. Chairman, of something that is going on currently in your own back yard, if you will, in New York City. There are plans that have been proposed and put out to the community to reorganize special education and, particularly, the programs for the more severely disabled students.

This reorganization has been done, and this plan was put together without consultation with parents or members of the advocacy community. The level of response, negative response, to this plan has been overwhelming.

The Board of Education recently held a meeting at a high school that accommodates 1,200 people. This issue was not even on the agenda. There was a standing room only audience at that meeting that came together to address the Board on the issue of reorganization of the programs for more severely disabled, an issue that was not even on the agenda. The volume of the response was astounding.

There were meetings scheduled on four separate days around the city. Again, the response of parents and the community and advocacy groups is astounding. We are in the process of forming coalitions with some of the advocacy groups that have previously spoken here—Advocates for Children and the parents coalitions—to stop this program because we collectively feel that this is an effort to deny services for children.

Moving to the next issue, we do not feel it is coincidental that this reorganization is occurring at the time that the Mayor is pressuring the Chancellor and the Board of Education to close a $321 million budget deficit. We think that this is being done for budgetary reasons and not for educational reasons.

We do not think this is aberrational, based on what we have heard going on around the country. For example, in New York City, the language of the plan is couched in improving educational outcomes but there is no educational plan in this reorganization plan.

There is no support plan or additional resources in this pian. There is no staff development plan in this reorganization. There is no accountability mechanism in this reorganization plan. Indeed, staff development is being cut by 50 percent and the monitoring office which, heretofore, has been responsible for keeping special education accountable, is itself being cut by 50 percent.

We do not think that this is a signal to improve education for more severely disabled students in New York City. We feel that this is a major effort to have special education close the budget deficit in New York City.

We second the Chairman in his call for additional Federal funding, additional support, to have appropriate services for students in general education settings created in our school systems. Cities cannot do it alone.

I am sure the Chairman is familiar with the Moreland Commission Report. The findings of that report shook the entire City and State. They found that 60 percent of every new education dollar in New York City over a 12-year period, went to fund special education mandates.

What happened to general education during that period of time? Services were stripped. Students are not being maintained in general education because there are no services there for them.

There are no counseling services; no speech services. There is no ability to get consulting teacher service or special help. Those programs have been stripped to support the ever-growing mandates in the special education arena. We submit that you cannot fix special education without fixing general education.

We think that one of the most important ways for improving the ability to retain students and, particularly, minority students, in general education settings—and we are talking about keeping them out of the general education setting altogether because we think that the general education setting is the least restrictive environment—is to take care of services in the general education setting: to provide prereferral services, to have child study teams and teacher assistance teams, available to assist students in the local schools before the referral is made.

When the consulting teacher service in New York City—it is kind of an itinerant teacher service as contemplated in the Individuals With Disabilities Education Act—was put into the regulations, the State conducted a study and said, "You know, you really should offer this service as a general education service."

It is in the statute as a special education service; it is funded as a special education service; and, only in districts that have Chapter 1 money is there any opportunity to provide this service to a general education population. Yet, it is a very important and critical service to support students in general education.

The "stay put" rule is another very important issue for our organization and our members. "Stay put" serves a very important purpose. It requires parental involvement in decision-making about placements and services for students.

We do not mean, in any respect, to denigrate or to deny that involvement of parents. We feel that involvement is critical.

However, there are situations happening and occurring regularly in our urban schools where, for one reason or another, parental consent cannot be obtained when a student engages in very serious violent or disruptive conduct and, in those circumstances, "stay put" requires the student to remain in the classroom in which they are being served.

It may be a student who has brought a gun to school or has committed violence against another student in that class. We submit that the class cannot function in that type of situation. We think that there needs to be a new look at "stay put" to help address some of these situations and we are prepared to work with the committee to develop some responsible adjustments to "stay put."

One situation in which I was personally involved recently involved an autistic 19-year-old student who was being served in a program for severely disabled. This student's residence was in a psychiatric facility. He was sent to the school for day-school services.

The student acted out, assaulting other students, teachers, staff members. When the situation was presented to me in November, there had been five staff members who had received medical services, either in an emergency room or through doctors, because of the acting out of that student.

There is no doubt in our minds that the acting out was related to the student's disability but it was beyond the ability of the very highly trained and qualified staff to deal with. The student was in a school in New York City that has a worldwide reputation for excellence in educating autistic children. The principal of that school acknowledged that she could not serve that student; but there was no way to have that student removed because the psychiatric facility which maintained guardianship of that student would not consent.

That student left the program when he aged out. As I said, he is 19 years old. He was over 200 pounds. He had the ability to inflict very serious damage on himself and on others. We were powerless to do anything with that situation. We submit that requiring school districts to go to court to get injunctions in those situations is not a viable remedy. It has not worked.

Another issue that we feel that this committee must address in terms of the IDEA is the role of the teacher in the IEP development process. The regulations, in our opinion, are flawed.

They require the agency to hold IEP meetings and to conduct reevaluations automatically on parent request and on agency request but, if it is a teacher request—if the student's teacher feels that he or she cannot meet the needs of that student in the classroom—that agency has the discretion, under the law and the regulations now, to deny the opportunity to have that IEP meeting.

We hear from our members all over the country that teachers cannot get IEP meetings reconvened to adjust placements, to add services, or adjust services for students. This is a situation that we feel must be remedied.

Another situation involves the identification of who should be present at those IEP and placement meetings. Yes, the regulation says it should be the child's teacher but the agency has substantial discretion to decide who that individual will be.

In our experience, in most cases, it is not the classroom teacher, not the person who is most recently with that child; it is another teacher who may be qualified to provide services to that child, but not one that knows that child personally. Again, we feel that must be addressed.

Lastly, on this particular point, if we are going to be moving to place more students in general education, a direction that we feel is needed, there is a critical role for the receiving teacher in this process, the teacher who will be responsible for carrying out the educational program of that child. That is nowhere dealt with in the law or regulations.

If the student is going into a classroom, the classroom teacher knows best what the conditions are in that classroom and what supports that teacher may need to provide appropriate service to that student. I go back to that situation with the teacher with 16 disabled students in school in September.

Referral for a reevaluation is not the answer because maybe individually each one of those kids did belong in a regular education setting. Referral for a new IEP meeting is not the answer because, again, based on their individual needs, maybe it was appropriate to put all those kids in one class.

However, that teacher needs help in meeting the needs of 14 disabled students in a single classroom and there is no mechanism in the law for the teacher to access those services. The teacher is left to begging and pleading and, in many cases, being told that they are incompetent for not being able to do this Herculean task.

We submit that some adjustment has to be made in this process to allow the receiving teacher to have a role in describing the services and supports needed to meet the needs of all the children in that classroom, including the disabled children.

I realize I have probably been speaking over my time limit. I just want to add one point here. Mr. Sawyer, who I do not see present here today, in the ESEA bill, put forth a staff development model that we think is a model that defines staff development based on staff needs, based on research, based on high standards.

We feel that that is the type of staff development model that is needed if we are to prepare staff to educate students in general education classrooms and least restrictive settings. We would encourage this committee to look at that legislation and see the fine points that could perhaps be incorporated in the reauthorized IDEA.

We thank you for your time. I will be glad to entertain any questions after the committee has heard the rest of the speakers.

[The prepared statement of Elizabeth Truly, Esq. follows:]

**TESTIMONY ON THE REAUTHORIZATION OF
THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT
BEFORE THE SUBCOMMITTEE ON SELECT EDUCATION AND CIVIL RIGHTS
COMMITTEE ON EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES**

**PRESENTED BY ELIZABETH TRULY, ESQUIRE
THE AMERICAN FEDERATION OF TEACHERS**

APRIL 28, 1994

Mr. Chairman and members of the Subcommittee on Select Education and Civil Rights, thank you for this opportunity to address you on the extremely important issues surrounding the reauthorization of the Individuals with Disabilities Education Act, or IDEA. My name is Elizabeth Truly and I am an attorney with the New York State United Teachers, a state affiliate of the American Federation of Teachers and a member of the AFL-CIO. For the past three years, my time and attention have been devoted exclusively to advising the United Federation of Teachers (UFT) and New York State United Teachers (NYSUT) on special education issues. I have represented the interests of the UFT in the Jose P. v. Sobol negotiations, a class action litigation instituted in 1979 that resulted in a finding that the New York City Board of Education had failed to provide a Free Appropriate Public Education to students with disabilities in New York City. I have also presented workshops on inclusion, the IDEA, and Section 504.

The American Federation of Teachers represents 830,000 teachers, paraprofessionals and other school-related personnel, health professionals, public employees, and university professors. The IDEA has important implications for most of our members, as it does for children and for education. Our members provide classroom instruction and support, nursing services, transportation, lunch, evaluations, psychological and counseling support, and clerical support for students with disabilities. In addition, some of our public employee members serve students with disabilities and their families in their homes and communities. Some of our higher education members prepare the teachers of these students. Many of our members are also parents of students with disabilities.

BEST COPY AVAILABLE

The IDEA, and its predecessor, P.L. 94-142, have provided access to free, appropriate public education for millions of previously unserved and underserved children with disabilities. This legislation has changed forever the way we provide education to students with disabilities. IDEA provides students with disabilities with individualized instruction through the Individualized Education Program or IEP. It provides families with avenues to ensure that their children receive quality public education. Part H of the IDEA has focused our attention on early interventions – finding and working with children with disabilities before they reach kindergarten. Research funded under IDEA has provided educators with important findings about the best ways to teach students who are experiencing learning difficulties. In addition, the administrative interpretations of IDEA provide alternative instructional settings for students with diverse educational needs.

We have come today to speak with your about enhancing the law while still preserving its best and strongest qualities. We believe the law will better serve the needs of students if our recommendations are incorporated at the time of the reauthorization.

We get reports from many of our members, from parents, and from research about lack of services, poorly planned programs, and poor outcomes for students. Yet the solution to the present problems of special education is not to dissolve the special education system that has taken years to develop and that responds so well to many children's needs. Nor is the solution to place all students in general education classrooms without regard to the nature or severity of their disability, without regard to their ability to function or behave appropriately in the general education classroom, or without regard to the educational needs of other children. Rather, the solution is to discover why many students have a lack of services, poorly planned programs and poor outcomes and then to address their problems within the framework of a continuum of alternative placements that does include the general education classroom as one alternative, but still responds to individual needs.

We now have an opportunity to tie our efforts on behalf of students with

disabilities to the general reform efforts of Goals 2000. We can raise our expectations for what students with disabilities must know and be able to do and support their efforts to meet those expectations with instructional accommodations and technology. We can construct suitable alternative standards for students who cannot be expected to meet the highest standards but who still can accomplish much more than we presently expect of them. And we can include students with disabilities in local, state, and national assessment reports. We must continuously monitor the educational progress of disabled students and modify instructional strategies accordingly so that we can prevent the terrible economic and social outcomes that were recently presented to the subcommittee by SRI in the report of their longitudinal study.

We share the concerns of the subcommittee and many others regarding the disproportionate representation of minorities in special education programs. According to the SRI longitudinal study and Carnegie Report, many placements are explained by factors such as poverty, family stresses and unavailability of early intervention services. We would add as a critical factor the lack of support services for students with special learning needs who have not been identified as disabled. We are anxious to remedy the conditions that lead to over-referral of minority students to special education programs, and have included some specific recommendations in our testimony. Here, then, are our recommendations.

RECOMMENDATION

The availability of a continuum of alternative placements must be ensured by incorporating the regulatory language into the statute.

Presently, the reference to the "continuum of placements" is explicit in the regulation. It is also implied but not explicit in the IDEA itself. Various states have enacted "inclusion" policies, the intent and practical effect of which is to dismantle the continuum and to require that all disabled students be educated in general education classrooms. To date, the U.S. Department of Education has not been responsive to the complaints and fears of parents who want their children's education to be provided in placements other than the general education classrooms. As Albert Shanker, President

of the American Federation of Teachers has said, "Children with disabilities are individuals, not a bureaucratic category, and their school placements need to be done on a case-by-case basis." Placing them in regular classrooms based only on their membership in a group will be as devastating to many of them as placing them in special education classrooms based only on their membership in a group has been. For these reasons, and in view of the substantial campaign being waged by several advocacy groups to eliminate the continuum, we believe that support for the continuum must be reaffirmed by incorporating the regulatory language into the statute.

RECOMMENDATION

Congress must appropriate substantial additional funds to assist school districts in meeting the needs of all students in the least restrictive environment appropriate to their needs.

Congress must fund the IDEA in accordance with the promises made in 1975.

In 1975, when Congress passed the Education for All Handicapped Children Act, (P.L. 94-142), there was a promise made along with the mandates that were set. That promise was for funding to cover 40% of the "excess", or additional costs, to states and districts of fulfilling the mandates – 40% of the additional costs of providing a free, appropriate public education in the least restrictive environment to each child identified as having disabilities. Yet Congress has never provided more than a small fraction of that promised funding. School districts' ability to provide the funds necessary to fulfill the original mandates, restructure their schools to place more students in general classes with supports and services, provide the widespread professional development that is required, make schools and classrooms physically accessible under ADA mandates and assist disabled and non-disabled students to meet higher standards and prepare to join the labor force of the 21st Century is seriously at risk.

The mandates from Congress for the education of students with disabilities keep multiplying, and the costs of complying with the mandates multiply, while revenues for schools decline. Districts are constantly faced with choices of whom to serve with their

shrinking budgets and, since special education services are protected by law it is general education services that are suffering. The special education budget is too inviting to ignore and so many districts are adopting wholesale dumping programs which they mislabel inclusion. This huge burden of unfunded mandates is partially to blame for the abuses we are seeing in the name of inclusion.

We share the concerns of other speakers before this Subcommittee regarding state funding formulas that encourage school districts to identify and serve students with disabilities in separate settings. In appropriating additional funds, Congress may want to consider providing fiscal incentives to states that have or adopt placement-neutral funding approaches. States should not be using formulas which drive educational placements simply on the basis of fiscal considerations

RECOMMENDATION

Congress must provide additional support for pre-referral services and early interventions if meaningful progress is to be made in reducing inappropriate referrals, particularly of minority students, for special education programs and services.

Many of the speakers before this subcommittee have properly condemned the separate systems of general and special education that have developed since the IDEA was enacted. We believe this balkanized system has developed at least in part because special education mandates have driven education dollars into special education at the expense of general education. Recently in New York State, the Moreland Commission reported that 30% of all new education funds statewide and 60% of all new education funds in New York City were spent financing special education mandates. We submit that we cannot "fix" special education without addressing the pressing needs that have developed in general education -- particularly the lack of supportive services for students who have learning problems but who have not been identified as needing special education services.

When students exhibit learning or behavior problems that teachers cannot diagnose or resolve, there are few avenues for teachers to pursue to obtain assistance.

Because of federal restrictions on the mixing of program funding streams, the expertise of Title I (Chapter I) specialists is not available to teachers if children are not eligible for Title I services. Special education referral becomes the only avenue to obtain assistance for students. If a multi-disciplinary team decides that a student does not need special education services, the student is returned to the class with no additional assistance. It could be that a simple intervention could put this student back on track. The student may have a temporary problem that could be resolved with appropriate services. We believe that this unavailability of services in general education is one of the more substantial reasons that minority students are overrepresented in special education.

The story of New York City provides some insight into this problem. At one time New York provided an array of services for students with learning and behavior problems, including guidance counselors, social workers, school psychologists and psychiatrists, and secretarial support staff. However, in the 1970s New York experienced a severe fiscal crisis and deep cuts were made in education including 14,000 teaching positions and many guidance counselors. According to a report by Greenspan, Seeley, and Niemeyer (1993), "almost all social workers, psychologists, and psychiatrists were shifted out of general education and into special education, and primarily assigned to do evaluations when the Bureau of Child Guidance services were discontinued." The effect of this, according to the authors, has been a sharp increase of children referred to and placed in special education in New York City since special education is a mandate and the mandate must be funded. In 1979, about 54,000 students in New York were identified as disabled (Hornbeck & Lehman 1991). By 1990-91, the numbers had reached 119,000 (Greenspan, Seeley, & Niemeyer 1993). The total enrollment in city schools had increased by less than 1% (New York City 1992) but the special education enrollment increased 102% during those years. According to the authors, "thousands of children are being unnecessarily stigmatized as 'handicapped' because of lack of supportive services in general education."

While the Greenspan, Seeley and Niemeyer study did not correlate the increases

in the special education student population with race and ethnicity, data collected by OSEP for the annual reports to Congress during this period demonstrate that the majority of students in New York City receiving special education were members of minority groups.

We are proposing three possible strategies to address the over-representation of minority students in special education:

- Strengthen pre-referral strategies. These pre-referral strategies should be based on research conducted by widely-recognized scholars that is shown to be successful.
- Disseminate research-based early interventions.
- Provide school-based resource teams, teams of special education experts based in individual schools that can support students with learning and behavior problems and assist teachers in working with them.

Support for school-based resource teams, which might also function as school-based multi-disciplinary teams for evaluations, would provide accessible assistance for students and teachers, and allow students to receive the help they need without being identified as disabled. These teams would consist of classroom teachers, paraprofessionals, resource room teachers, school psychologists and other support and health professionals to consult as necessary.

There are also a number of programs and strategies that employ early, intensive one-to-one interventions. Robert Slavin's Success for All, Reading Recovery, and Benita Blachmon's phonological interventions have all prevented special education labeling for many students with learning problems. While these intensive interventions are expensive to provide in the short-term, they are a long-term investment in lowered costs for services, since students become able to function more competently in general education classrooms.

While Congress could mandate that states require local school districts to provide services and interventions before students are referred for special education,

BEST COPY AVAILABLE

new unfunded mandates will only lead to dislocation and loss of services elsewhere in general education. Increased fiscal support for general education programs and services is needed to restore balance between general and special education and provide services which will allow students to be maintained in general education.

RECOMMENDATION

Congress must amend "stay put" to allow districts to make responsible interim placements of students who are violent or disruptive until parent/administration disagreements are resolved.

The "Stay Put" provision requires school districts to maintain disabled students in their present placement until all disagreements between school districts and parents about placement changes have been resolved. "Stay Put" serves an important function in preserving the due process rights of students with disabilities. Disabled students should not be arbitrarily moved from one placement to another for administrative convenience. Stay Put prevents administrators from moving students without following the procedures required by the law, including gaining parents' consent. However, in cases of disruptive and violent students, inappropriate placements often cannot be addressed responsibly by districts in a timely way because of the Stay Put provision and the restrictions placed on them by Honig v. Doe.

Under present restrictions, when disabled students exhibit disruptive and violent behavior and parents refuse to allow a change in placement, districts may suspend the students for up to ten days in a school year, but when the suspension is over the students are returned to their classrooms and the other students are left in danger. When school districts believe it is necessary to exclude dangerous or violent students for an additional period, they may only do so after obtaining an injunction from a federal or state court. The complex and difficult procedures that school districts must follow have created disincentives for administrators who often decide to leave dangerous students in the classroom rather than go through the labyrinthine process of trying to remove them.

The most troubling stories are of children with behavior problems who so disrupt the classroom that no one can learn:

- the student in Louisiana who attacked his instructional team regularly. He threatened to blind his psychologist, and every time he attacked her he aimed at her eyes. His mother refused to agree to a placement in a residential home because she would lose her Social Security dependents' benefits;
- the student in New Mexico who pulled a gun on his principal. The judge decided that his behavior was a manifestation of his disability and the student was returned to school;
- the student in West Virginia who repeatedly assaulted his teacher. The teacher was told that she had to establish a pattern of assaults before the administration would act. It was "too early in the year" to begin suspending him.

Who here would want to be in such classrooms or have their own children in those classrooms? Who here believes that any learning can take place for the other children in those classrooms? These stories are neither apocryphal or exceptional.

We recognize that students with disabilities are not the only students who are violent and disruptive in schools. We recognize that students with disabilities are more likely to be the victims of violence and disruption than they are to be the perpetrators. Students with disabilities are twice as likely to be the victims of violence, child abuse and sexual abuse, according to a recent study. We also recognize that students' behavior may be symptomatic of underlying physical and emotional disorders well beyond their control.

Nonetheless, the present process required of schools and administrations, and rulings that prevent violent students with disabilities from being disciplined for their actions, send powerful messages to both administrations and students. Administrators have an extremely time-consuming road to walk if they move to halt violent or disruptive student behavior when the students have disabilities. Students with disabilities are led to believe that they can flaunt school rules and community laws with impunity. Keeping such students in classrooms, when they cannot control their disruptive and violent

behavior, is unfair to them and very unfair to the rest of the children in the classrooms who are cheated of their opportunity to learn and whose safety is threatened. However, when students are removed from their classrooms, they must still be provided with educational programs.

RECOMMENDATIONS

The statute should be amended to require that any teacher who has substantial contact with a student be a member of the multi-disciplinary team and entitled to be present at IEP meetings.

The statute should be amended to allow any teacher of a student to refer that student to the multi-disciplinary team for evaluation or re-evaluation at any time for any educational reason.

The statute should be amended to require the presence of the person or persons who referred the students – including any teacher(s) who referred the student – at the initial multi-disciplinary team meeting.

The statute should be amended to specifically allow teachers to file complaints on behalf of students who are not receiving services specified in the IEP with the Department of Education, both the Office of Special Education Programs and the Office of Civil Rights.

The statute should be amended to forbid officers of local education agencies – that is school boards and district administrative staff – from harassing or intimidating teachers who file complaints with them, with state authorities, or with the offices of the Department of Education.

Teachers lack standing and protection under the law. Districts have specific protections and so do parents but teachers do not. The original legislation assumed the interests of teachers would be congruent with the school districts for which they work but that expectation has not been met. Teachers are not represented at any of the key points along the road of due process and students are suffering because of it.

Attendance of Students' Teachers at IEP Meetings. Two weeks ago, Representative Rose from North Carolina spoke to this committee about the exclusion

of his child's teacher from the evaluation and placement meetings. His child was represented by a "teacher" chosen by the school administration who had no knowledge whatsoever of his child's capabilities or needs. According to our members, this exclusion is common. While the IDEA regulations mandate the presence of "the child's teacher" at each of the IEP meetings, the teachers of the student for whom the IEP is being prepared are often not the teachers at IEP meetings. Teachers do not participate precisely because they are not permitted to participate. Furthermore, meetings are often held when they are in class, and substitute teachers are not made available.

Teachers' knowledge of students is not considered important at these meetings. Yet they are the people, other than parents, who know their students best. In fact, often the teacher is the only visible advocate for students whose parents are intimidated by the process or have problems coming to the meetings.

In addition, teachers who will be teaching students who are identified as needing special education are not present when students' programs are being developed since the program is developed before the placement is made. We believe this is a serious weakness in the present IEP process which must be addressed. We would like to work with the Subcommittee and with the Department of Education to explore ways to repair this weakness in the new law.

Allowing Teachers to Bring Complaints. Teachers have no mechanisms in the law to bring complaints when resources are not provided. If they bring complaints to their administrators, they are often threatened with termination for insubordination. They have no standing in IDEA due process and their complaints are routinely rejected by the Office of Civil Rights. Many teachers tell us that, if they do ' ring complaints against their school districts to the Office of Civil Rights or the Office of Special Education Programs, they face dismissal or harassment. The Office of Special Education and Rehabilitative Services acknowledges that not providing the services and supports is illegal, but they have not offered any answers to teachers about how to get the services and supports they need.

RECOMMENDATION

The statute should be amended to prohibit school districts from requiring teachers and paraprofessionals to perform medical procedures on their students. Only qualified health care providers should be allowed to perform medical procedures on students.

There is little in the original law or the regulations that addresses the care of medically fragile children. Perhaps it was expected these students would be cared for in hospital and residential settings by qualified and specially-trained personnel. Yet more and more students with health impairments are being placed into neighborhood schools and general classrooms and they are not being followed by those qualified and specially-trained personnel.

Fewer and fewer elementary schools have school nurses. In addition, those that do often have nurses that are assigned to other schools as well. Further, when a nurse is assigned to a school, there are many other tasks such as vision and hearing screenings, immunization mandates, and first aid they are required to perform. The task of caring for and managing medically fragile students is falling to teachers and paraprofessionals. These teachers and paraprofessionals are not medically qualified to suction tracheotomies, catheterize students, clean and insert feeding tubes, give medicated enemas or perform other such procedures, yet they are required to do so in many districts. In addition, when they are performing these procedures, they are stealing time from their main task which is the education of students. Our teachers and paraprofessionals are terrified that they may hurt a student or themselves when they perform medical procedures.

RECOMMENDATIONS

The statute should be amended to require local education agencies to include in their state applications for funds plans for locally-developed, comprehensive systems of professional development that are based on research conducted by recognized scholars and shown to be successful. In addition, the local agencies should indicate how and when this system will be implemented,

and that it will be developed in conjunction with substantial numbers of teachers and paraprofessionals. The professional development must relate to the goals and needs recognized by the teachers and paraprofessionals as well as those of the district.

Although the original law and the regulations call for a "comprehensive system of professional development," the present arrangements for professional development are not comprehensive nor are they systems. Data from teachers in Illinois, West Virginia, New York and Massachusetts, as well as research from noted academics, show that teachers, particularly general classroom teachers, and paraprofessionals are unprepared or ill-prepared to work with students with disabilities. For example, in New York State, our research indicates that staff development was provided prior to the placement of disabled students in only 21% of school districts and this staff development was judged to be inadequate in more than half of these districts. This data shows that in most places staff development does not exist and, where it does exist, it is usually inadequate.

The research of Susan Loucks-Horsley and her colleagues (Arbuckle, Dubea, Harding, Loucks-Horsley, Murray, & Williams 1987), shows that professional development must be based on the realities of classrooms. The people best able to relate practice to classroom realities are the teachers and paraprofessionals who work in them. The research of Gene Hall and his colleagues (Hall, Hord, Huling-Austin, & Rutherford 1987) shows that good professional development must also take into account the goals of classroom personnel. Teachers and paraprofessionals are much better placed to know and understand their own goals and needs. We need top-down support for bottom-up staff development. Requiring staff development is essential for success. Mandating the content of staff development at the state or federal level is doomed to failure.

The comprehensive system of professional development should be research-based. The P.L. 94-142 and IDEA have provided funding for a great deal of research about how students with disabilities learn and what the best instructional strategies are.

Yet little of this research finds its way into state systems of professional development, and less into districts and classrooms. The research funded by OSEP and other funding organizations, and conducted by many fine researchers, should become the foundation for professional development for teachers, paraprofessionals and other support professionals.

SUMMARY

As much as the laws governing the education of students with disabilities have achieved, there are still problems with the present system. What is needed is a commitment to thoughtful programs that take into account the educational needs of all students. Our hope is to have a positive impact on the total education environment, including the environment for education of students with disabilities.

The American Federation of Teachers advocates for the rights of ALL students to an excellent education. We support the concept of "Least Restrictive Environment," and the appropriate placements of students with disabilities into general education classrooms. Districts must continue to decide the placements of students with disabilities on an individual basis in conjunction with students' teachers and their parents as provided by the IDEA regulations. We call upon Congress to recognize its fiscal responsibility to the disabled students of America. States and school districts must take seriously the law's mandate for comprehensive systems of professional development. Teachers and paraprofessionals must be supported and protected as they provide education for students with disabilities and they must be involved explicitly as important partners in the implementation of the law. Students with serious medical, learning and behavior problems must be educated in the settings which best meet their needs and where they can be provided the care they deserve.

I thank you again for the opportunity to testify on behalf of the American Federation of Teachers and students with disabilities, and I will be happy to answer any questions that you may have.

REFERENCES

Arbuckle, M.A., Dubea, C., Harding, C.K., Loucks-Horsley, S., Murray, L.B., & Williams, M.K. 1987. Continuing to Learn: A Guidebook for Teacher Development. Andover, MA: The Regional Laboratory for Educational Improvement of the Northeast and Islands.

Greenspan, R., Seeley, D.S., & Niemeyer, J.H. 1993. Principals Speak Report #3: The Vital Importance of Mental Health/Social Servies to School Reform. From the series: Improving Inner-City Elementary Schools, Report on Interviews with 25 NYC Principals. Staten Island, NY: The Principals Speak Project. June.

Hall, G.E., Hord, S.M., Huling-Austin, L., & Rutherford, W.L. 1987. Taking Charge of Change. Alexandria, VA: Association for Supervision and Curriculum Development.

Hornbeck, D.W., & Lehmann, S. 1991. "Success for Each Student: A Plan to Permanently Eliminate the Special Education Backlog While Improving Educational Outcomes for All Children in New York City." (cited in Greenspan et al) May.

New York City. 1992. Appendix Two: Day School Registers. Budget Estimates for 1992-1993.

Chairman OWENS. Thank you. We will have to ask the rest of the speakers to limit themselves to about seven minutes because of the special time problem we have today.

The next speaker is Ms. Barbara Raimondo.

Ms. RAIMONDO. Chairman Owens and members of the subcommittee, it is an honor and a pleasure to be here today.

My name is Barbara Raimondo and I am the mother of a young deaf child, Meira, who has joined me in the front row here. I am also a board member of the American Society for Deaf Children.

The American Society for Deaf Children is a nonprofit organization that helps parents and others learn about and develop a positive attitude towards sign language and deaf culture. I am here today to emphasize the importance of maintaining the full continuum of placement options under IDEA, including specialized settings.

The American Society for Deaf Children is a member of the Consumer Action Network, a coalition of national organizations of, by, and for deaf and hard-of-hearing people, which addresses advocacy and legislative issues and we are a member of the Council of Organizational Representatives, a coalition focusing on public policy issues related to deafness.

These coalitions support the full continuum of options, as does a cross-disability coalition of which we are a part, Action for Children to Ensure Options Now, which was formed specifically to protect and enhance the full range of placement options under IDEA.

Full inclusion, meaning that all deaf children should or must attend a neighborhood school, must not be mandated. The full continuum of options includes every placement, from the neighborhood classroom with support services, specialized classrooms and programs, to day and residential schools. Placements should be driven by the individual needs of the child. There should not be a preferred hierarchy of placements.

Some parents, national organizations, and local education authorities believe that the neighborhood school classroom is preferable to other placement options. For some deaf children, that assumption is correct. Often, however, this kind of inclusion is of a purely physical nature.

When it comes to real inclusion—true communication, and meaningful interaction with people, and access to all information in the environment—sadly, this arrangement often amounts to nothing more than exclusion. This placement, thought to be the least restrictive environment, may turn out to be the most restrictive.

It is imperative that each placement option be considered equally valid as a first choice. Our children must not fall victim to a "fail first" mentality whereby they must fail in the neighborhood school before they are permitted to see a part-time resource teacher; then they must fail in that situation before they are permitted to spend all day in a specialized classroom; and so on. Such a cycle of failure jeopardizes a child's chance for future success, damages self-esteem, and wastes precious, limited educational resources.

We at the American Society for Deaf Children firmly support specialized schools and programs for our deaf children. We are often asked, "Why doesn't your child attend a regular school?" Our children do attend regular schools. They attend regular schools for

deaf children. There, they experience the kind of environment that hearing children take for granted.

They have free, direct communication with everyone at the school, friends and peers as well as teachers, principals, guidance counselors, the school nurse, the bus driver, the cafeteria workers, and even the maintenance staff. There are deaf role and language models.

Classrooms are set up in a way to take advantage of visual space. Film strips and videotapes are captioned. Students have full access to the world around them, just as hearing children attending hearing schools do.

Rather than being isolating, segregated institutions, schools for the deaf nurture and challenge deaf children. These schools do so the same way the best hearing schools do. They meet the children's needs and stimulate them to advance. This option must be maintained for our children.

Our deaf children are part of a rich cultural and linguistic heritage. They are part of a deaf community that values their deafness while at the same time recognizes the importance of their taking their place in the larger hearing community.

Our children use two languages—sign language and English—and will make a mark in two communities—the deaf community and the larger hearing community. They have a lot to learn. Separate schools and programs for deaf children nurture, support, teach, and challenge them so that, as adults, they will find success in both these communities.

IEPs and placement decisions for deaf children must take into account the child's communication and linguistic needs; the child's and family's preferred mode of communication; the severity of hearing loss; the academic level; and the social, emotional, and cultural needs, including opportunities for peer interactions and communication and exposure to deaf role models.

This is in keeping with the Department of Education Office of Special Education and Rehabilitative Services Federal Policy Guidance relating to factors that should be considered in determining the least restrictive environment for deaf and hard-of-hearing children. The American Society for Deaf Children believes that the harmful effects of a placement, where the aforementioned needs have not been considered, should be considered.

I would like to add a personal story to illustrate my points. My daughter, Meira, who is four, has been attending a school for deaf children for three years. During that time, she has cultivated a solid language base, developed a strong sense of self-esteem and emotional well-being, and has learned appropriate cognitive, academic, and social skills. She is beginning to read, knows how to write, and asks numerous questions.

She is a normal, intelligent child whose primary languages are sign language and English. I do not believe this would have been possible if she had not been in a deaf-oriented school where there were fluent signing models, deaf adults, and clear communication with everyone, including teachers and students. Such an environment is impossible to duplicate in a neighborhood school setting and is vital for the continued success of Meira and other deaf children.

Commitment to inclusion, where it is appropriate, is to be commended. For too long, many children who should have been in the regular classroom, were denied that opportunity. At the same time, I am sure you recognize that not all children are adequately served in the neighborhood classroom.

When it is time for them to compete with their peers in the "hearing world," our deaf children's knowledge, experience, skills, and sense of identity will serve them well. For now, their needs are well met at specialized schools and programs for deaf children. Please allow this option to exist as a first option for them.

[The prepared statement of Ms. Barbara Raimondo follows:]

83-885 O - 94 - 2

Barbara Raimondo,
Parent and Board Member

American Society for Deaf Children
Testimony
on the Reauthorization of the
Individuals with Disabilities Education Act
Submitted to the
House Subcommittee on Select Education and Civil Rights

Background

Chairman Owens and Members of the Subcommittee, it is an honor and a pleasure to be here today. My name is Barbara Raimondo, and I am the mother of a young deaf child, Meira, and a Board Member of the American Society for Deaf Children. The American Society for Deaf children is a non-profit organization that helps parents and others learn about and develop a positive attitude toward sign language and deaf culture. Representing 20,000 parents, friends, and professionals, the American Society for Deaf Children provides support, encouragement, and information about deafness to families with deaf and hard of hearing children and promotes quality education to improve the life achievement and well-being of deaf and hard of hearing children.

The Individuals with Disabilities Education Act (IDEA) has a profound impact on the education of deaf and hard of hearing children, and therefore on their life achievement. In the reauthorization of this law, the American Society for Deaf Children strongly believes that: the full continuum of placement options must be maintained, and placement in the neighborhood should be only one of those options; the individual needs of the child must determine placement decisions in the Individualized Education Plan (IEP); and parents must receive full information from Local Education Authorities (LEAs) and be treated as equal partners in educational decision making.

Full Continuum of Options vs. Full Inclusion

In the reauthorization of this very important law, it is imperative that the full continuum of placement options be maintained. Full inclusion, meaning that all deaf children *should or must* attend their neighborhood school, must not be mandated. The full continuum of options includes every placement from the neighborhood classroom with support services, separate classrooms and programs, and day and residential schools. Placements should be driven by the individual needs of the child, not the placement

preference of the LEA. There should not be a preferred hierarchy of placements. Some parents, national organizations, and LEAs believe that the neighborhood school classroom is preferable to other placement options. For some deaf children that assumption is correct. Often, however, this kind of inclusion is of a purely physical nature. When it comes to real inclusion - true communication and meaningful interaction with people and access to all information in the environment - sadly, this arrangement often amounts to nothing more than exclusion. This placement, thought to be the least restrictive environment, may turn out to be the most restrictive.

It is also imperative that each option be considered equally valid as a first choice. Our children must not fall victim to a "fail first" mentality, whereby they must fail in the neighborhood school before they are permitted to see a part-time resource teacher, then they must fail in that situation before they are permitted to spend all day in a separate classroom, and so on. Such a cycle of failure jeopardizes a child's chance for future success, damages self esteem, and wastes precious limited educational resources.

We at the American Society for Deaf Children firmly support separate schools and programs for our deaf children. Often parents of deaf children who attend schools for the deaf are asked, "Why doesn't your child attend a regular school? Our children do attend regular schools. They attend regular schools for deaf children. There they experience the kind of environment that hearing children take for granted. They have free, direct communication with everyone at the school: friends and peers as well as teachers, principals, guidance counselors, the school nurse, the bus driver, the cafeteria workers, and even the maintenance staff. There are deaf role and language models. Classrooms are set up in a way to take advantage of visual space. Seats are arranged so that all the students can see each other and the teacher clearly. Filmstrips and videotapes are captioned. Fire alarms have flashing lights. Students have full access to the world around them, just as hearing children attending hearing schools do. Rather than being isolating, "segregated" institutions, schools for the deaf nurture and challenge deaf children. These schools do so the same way the best hearing schools do: They meet the children's needs and stimulate them to advance. This option must be maintained for our children.

Our deaf children are part of a rich cultural and linguistic heritage.

They are part of a deaf community that values their deafness while at the same time recognizing the importance of their taking their place in the larger, hearing community. Our children use two languages - sign language and English - and will make a mark in two communities - the deaf community, and the larger, hearing community. They have a lot to learn! Separate schools and programs for deaf children nurture, support, teach, and challenge them so that as adults they will find success in both these communities.

In addition, often separate schools and programs are better able to meet the needs of the families of deaf children than neighborhood schools. While a neighborhood school has to "reinvent the wheel" every time a deaf child comes through the system, separate schools and programs are used to providing information to families. For most parents of deaf children, their deaf child is the first deaf person they ever met in their life. They need access to information about methods of communication, educational options, deaf adults, cultural issues, and about other families in their situation. This information provides a basis for more informed decision-making. More informed decision-making leads to more appropriate choices for the child.

For these reasons, the American Society for Deaf Children strongly supports the continuation of Federal funding for State Operated and State Supported Programs. We support the transfer of these funds from Chapter 1 of P.L. 89-313 (Elementary and Secondary Education Act) to IDEA on the condition that these funds are held harmless and that they appear as a separate line budget item in IDEA.

Children's Individual Needs Should Determine Placement

IEPs and placement decisions for deaf children must take into account the child's communication and linguistic needs, the child's and family's preferred mode of communication, severity of hearing loss, academic level, social, emotional, and cultural needs including opportunities for peer interactions and communication, and exposure to deaf role models. This is in keeping with the Department of Education Office of Special Education and Rehabilitative Services (OSERS) Federal Policy Guidance relating to factors that should be considered in determining the least restrictive environment (LRE) (57 Fed. Reg 49274 (October 30, 1992)). This Policy Guidance recently was reissued by OSERS (OSEP Memorandum, February 4, 1994). Our children's languages are sign language and English. The mode of communication a

child uses is an integral part of his or her identity and should be respected. Similarly, the family's preference as to mode of communication should be respected. Family support is essential to the educational success of any deaf or hard of hearing child.

Linguistic needs of the child should be considered. Teachers and educational staff must be fluent in the language of instruction in order to be effective and to serve as appropriate language models. LEAs should be required to provide such educators. Unfortunately, at this time, many LEAs claim to be providing teachers who are competent in sign language when in fact teachers' skills are seriously lacking. A placement that is, for example, purportedly a self-contained classroom with a teacher who signs is not that at all if the teacher has minimal signing skills. Similarly, sign language interpreters in educational settings should be qualified. In too many cases, individuals who "know some sign" are given the important role of interpreter. The child is dependent for all his or her communication on an individual who can neither properly convey information to the child nor properly convey information from the child to the teacher and peers. LEAs must provide not only the appearance of a placement, but a quality placement that has meaning for the child in that placement.

Further, LEAs must consider social, emotional, and cultural needs, including opportunities for peer interactions and communication and exposure to role models. A successful educational program does not only teach academic subjects. It provides the opportunity for children to learn social skills from peers and adults, it helps children develop a strong sense of identity and accomplishment, it teaches them about the society in which we live, and it exposes them to strong, accomplished adults who can serve as role models. Educational plans for deaf or hard of hearing students should do no less. Children must have peers with whom they can communicate in their primary language, and they must learn their strengths. They must have a sense of their own culture. For our deaf children this will include studies in sign language and the history and culture of the deaf community. And finally, they must be exposed to deaf adults who can share with them the benefit of their experience as a deaf individual in a "hearing world" and serve as cultural and linguistic role models.

The American Society for Deaf Children believes that in writing the

IEP, LEAs should consider the harmful effects of a placement where the aforementioned needs have not been properly addressed.

Better Enforcement of Parental Notification and Involvement Procedures

Often LEAs do not fully inform parents as to what the placement or IEP options are for their child. LEAs provide information about the options they want the parents to consider, rather than the options they are required to offer. This is particularly true in the instance of providing information about day and residential schools for deaf children. Parents who do not have the knowledge or resources to research the law and the potential placement options are left, in essence, to allow the LEA to unilaterally make the placement decision for the child. Enforcement of parental information procedures must be increased.

Further, parents should be treated as equal partners in placement and IEP decision making. Although their active participation is supposed to be protected by law, often LEAs ignore this requirement by allowing parents to provide only cursory input. Many times meaningful placement and IEP decisions are made by LEAs even before the LEAs meet with the parents. Stronger enforcement of parental involvement procedures is needed.

Conclusion

Thank you for the opportunity to provide these comments. We are dedicated to helping our deaf and hard of hearing children attain educational success. In the reauthorization of IDEA we ask the Subcommittee on Select Education and Civil Right to ensure that: the full continuum of placement options be maintained; the individual needs of the child determine placement decisions in the Individualized Education Plan (IEP); and that parents receive full information from LEAs and be treated as equal partners in educational decision making.

We look forward to working with you on this important legislation.

Sec. 1401. (a) (17) Definitions speech pathology and audiology, psychological services	speech pathology and audiology, sign language therapy, psychological services	Children whose primary language is sign language often need assistance to bring their signing skills up to age appropriate level. For these children, sign language therapy as a related service (often in conjunction with speech therapy) is every bit as critical as speech pathology, psychological, or other services.
Sec. 1412. (5) (B) Eligibility Requirements procedures to assure that, to the maximum extent appropriate . . . removal occurs only when the nature or severity . . .	procedures to assure that, to the extent appropriate . . . removal occurs when the nature or severity . . .	The words "maximum" and "only" have led many LEAs to believe that placement in the regular classroom should be the first or only choice for placement, regardless of the needs of the child. Removal of these words allows for more emphasis to be put on appropriateness, nature, and severity, resulting in a more individualized decision for each child.
	Sec. 1413. (a) (12) Add new (a) (12) then renumber current (a)(12) as (a)(13) with appropriate renumbering following. New Sec. 1413. (a)(12) provide for procedures to raise the overall achievement of children with disabilities by disability category. Where possible, such achievement should be equal to that of nondisabled children;	Achievement levels of all children with disabilities should be raised. Due to the diverse nature of disabilities, it can be difficult to make recommendations that apply to all children with disabilities. But there are similarities within disability categories. For example, for deaf children normally communication and language abilities are the biggest determinants of educational success. Knowing this, states can focus on plans to improve the communication and language abilities of their deaf students, therefore improving the overall achievement of deaf children within that state. Deaf children with language skills equal to those of hearing peers should also attain educational achievement equal to that of hearing peers.
Sec. 1418. (c)(1)(D) . . . to the maximum extent appropriate . . .	. . . to the extent appropriate . . .	The word "maximum" has led many LEAs to believe that placement in the regular classroom should be the first or only choice for placement, regardless of the needs of the child. Removal of this word allows for more emphasis to be put on appropriateness, resulting in a more individualized decision for each child.
Sec. 1419. Preschool grants Sec. 1419 (c)(2)(B)(iii) at the State's discretion to provide	to provide	Because of the gap in funding between two year olds and three year olds, many children are dropped

BEST COPY AVAILABLE

		from services when they turn three even though they are in the middle of the school year. Providing funds for children who turn three in the middle of the school year would eliminate this dropping from services.
Sec. 1419 (f)(2) may, if consistent with State policy, use such funds . . .	may use such funds	Consistent with our comments to Sec. 1419 (c)(2)(B)(iii), State policy should favor funding under this section children with disabilities who will reach age three during the school year.
	Sec. 1425 (b) Secondary education and transitional services for youth with disabilities Add any number establishing demonstration models for services and programs specifically designed to reach traditionally underserved persons who are deaf.	Often models for services and programs do not reach or poorly serve deaf youth who have low language skills or who have disabilities. Research is required to determine the most effective and efficient ways of meeting the needs of this population.
Sec. 1431. (a) (1) (A) special education teaching, including speech-language pathology and audiology, and adaptive . . .	Sec. 1431. (a) (1) (A) special education teaching, including speech-language pathology and audiology, training in sign language, training of educational interpreters, and adaptive . . .	Often teachers of deaf children and interpreters have deficient signing skills. Where sign language is the language of instruction, these deficits are unacceptable. More and improved training must be available to teachers and interpreters to improve their skills.
	Sec. 1472. Add 1472. (2)(E)(iv) then renumber 1472. (2)(E)(iv) as (2)(E)(v) with appropriate renumbering following. New Sec. 1472. (2)(E)(iv) sign language therapy	Children whose primary language is sign language often need assistance to bring their signing skills up to age appropriate level. For these children, sign language therapy (often in conjunction with speech therapy) is every bit as critical as speech pathology, psychological, or other services.
	Sec. 1472. Add 1472. (2)(F)(iii) then renumber 1472. (2)(F)(iii) as (2)(F)(iv) with appropriate renumbering following. New Sec. 1472. (2)(F)(iii) sign language therapists	Children whose primary language is sign language often need assistance to bring their signing skills up to age appropriate level. For these children, sign language therapy (often in conjunction with speech therapy) is every bit as critical as speech pathology, psychological, or other services. It is essential that this sign language therapy is provided by qualified personnel.

Chairman OWENS. Thank you. Ms. Welburn.

Ms. WELBURN. Good morning, Mr. Chairman and members of the committee. My name is Brenda Lilienthal Welburn. I am the executive director of the National Association of State Boards of Education which represents State policymakers. I am also pleased, on this National "Bring Your Daughter to Work" Day to have my 13-year-old daughter, Sydney, with me.

Chairman Owens and members of the subcommittee, I am pleased to be here today to discuss inclusive education. The debate on the subject of inclusion is a healthy one for education because it allows us to focus on the fundamental changes in the way we relate to learning and instruction. It is appropriate that the debate is shaped in the context of school reform so that the public fully understands the critical impact special education has on the future productivity of the students it serves.

Increasingly, parents, State and local school boards of education, administrators, and the courts are calling for students with disabilities to be educated to the maximum extent possible in the general education classroom with appropriate in-class support. Research supports that a significant number of children who move into supportive inclusive classrooms enjoy greater academic success and social success in such an environment.

In spite of that fact, there is wide disparity among the States in the number of children identified for special education who are indeed receiving their education in the regular classroom. Only 7 percent of the children identified for special education in New York are in the regular classroom compared with 53 percent in North Carolina and 36 percent in Ohio.

In 1990, NASBE created a study group comprised of 17 State board members from across the country to examine the state of special education, particularly in light of the reform movement in general education. Few of these members brought to the study group a preconceived notion about what the report should recommend but, after two years, they unanimously agreed that a philosophy of inclusion is pro-child, pro-student, and consistent with our belief that all children can learn.

At the same time, there were a number of concerns identified by the study group that can be addressed as we move forward with the reauthorization of IDEA. The issues of concern identified by the study group include:

The disproportionate number of children of color in special education;

The excessive practice of labeling students for services;

The segregation of students into separate classes;

Limited curricular options for many students in special education; and

Less attention to monitoring the outcomes of instruction for special education students versus the process of instruction.

The study group's findings and recommendations are published in our report, "Winners All." We are doing a follow-up study, where we have interviewed students, parents, and teachers, which will be released shortly.

Two years after the release of "Winners All," it is clear that inclusion is not an abstract theory; it is happening around the coun-

try, and we are encouraged by the reports we hear. Inclusive schools are creating better academic and social outcomes for all students involved, both those with and without disabilities.

Several advocacy organizations for people with disabilities and special education have taken positions in support of inclusion. General education associations are reexamining their positions and passing policies in support of inclusion.

The current administration has been outspoken in its support of education reforms for all children and its support for inclusive schools. It is important that a milestone education reform movement like "Goals 2000" is for all children, including those with disabilities.

Mr. Chairman, I know there are many skeptics about inclusion and what it means for students. I understand that skepticism, but I do not believe that we can continue to exclude large numbers of special education students from the school reform movement.

I want to emphasize that in promoting an inclusive system, NASBE in no way suggests that students' or parents' rights, guaranteed under the Individuals With Disabilities Education Act, be rescinded or compromised, nor do we mean to promote the so-called inclusion model that places a child with a disability in a general education classroom without support.

True inclusion is based on the belief that all children can learn and we use the term that says the first educational option for students with disabilities should be their home school with age and grade peers. To the maximum possible, included students should receive their in-school educational services in the general education classroom with appropriate in-class support. A situation in which every child is integrated and there are no choices for separate programming is as unacceptable as one in which every child is segregated and there are no choices for integration.

The research on separate systems of special education and general education raises serious questions on the impact special education has on racially integrated and segregated classrooms.

The data collected by the U.S. Department of Education reveals that if you are African American, you are twice as likely to be labeled "educationally mentally retarded," "trainable mentally retarded," and more likely to be identified as "severely emotionally disturbed."

In addition, boys make up fully 80 percent of the students classified as "severely emotionally disabled." For many children of color, special education is tantamount to the inadequate, separate-but-equal education system that was outlawed by the Supreme Court in 1954.

Inclusive schools will look very different from the schools that you and I attended and have remained virtually unchanged, to a large extent. Creating successful inclusive classrooms that benefit all children begins by creating an educational environment that values and supports all students and their diverse learning needs.

Teachers repeatedly reported that when they began to adapt instruction to meet the needs of students with disabilities in their classroom, they became more aware of the individual needs of other students. When schools are restructured in general to become more developmentally appropriate and personally engaging, teachers re-

port they are more likely to have the necessary support and training needed to serve students with special needs in the regular classroom.

State boards of education support inclusion, not to pit general education against special education, nor to suggest that all children are alike. In fact, we believe that the general education system must be reformed so that teachers and administrators can best teach to the diverse learning styles of all students. Rather than working apart and alone, special education and general education should be working together to invent new schools that are designed to serve a wide array of student needs.

To work, and to be inclusive in the true sense, several components must be in place:

Teachers, parents, and educators must work in a more flexible environment which provides students the opportunity to demonstrate a variety of accomplishments beyond narrowly defined academic achievement;

A variety of professionals, including the general education classroom teachers, the special education teachers, school administrators, and other special support personnel, must work cooperatively with shared direction and control; and

Teachers and administrators and related services personnel must be prepared to receive comprehensive professional development for working together to provide an inclusive system.

Mr. Chairman, there are other comments in my testimony and, in the interest of time, I will just ask that they be submitted but I would like to speak very briefly to the idea of labeling.

Just recently we were at a meeting and there was a youngster who had Downs Syndrome, who said: "I know my disability. Do you have to call me retarded, as well?" In schools that we have visited, both teachers of special education students, as well as those students, have talked about being referred to as "the dummy children," "the dummy teacher," and "the dummy classroom."

The whole notion that we can isolate children and successfully serve them and not include them in the school reform movement is a fallacy and I hope that you take this into consideration during the reauthorization. Thank you very much.

[The prepared statement of Ms. Brenda Lilienthal Welburn follows:]

Brenda Lilienthal Welburn
Executive Director

Good morning, Chairman Owens and members of the Subcommittee. My name is Brenda Welburn and I am the Executive Director of the National Association of State Boards of Education representing policymakers and advocates for the more than forty million children and young people in our nation's public schools.

Chairman Owens and members of the Subcommittee, I am pleased to be here today to discuss inclusive education. The debate on the subject of inclusion is healthy for education because it allows us to focus on fundamental changes in the way we relate to learning and instruction. It is appropriate that the debate is shaped in the context of school reform so that the public understands the critical impact special education has on the future productivity of the students it serves.

Increasingly, parents, state and local school boards, administrators and the courts are calling for students with disabilities to be educated, to the maximum extent possible, in the general education classroom with appropriate in-class support. Research supports that a significant number of children who move into supportive inclusive classrooms enjoy greater academic and social success in such an environment. In spite of that fact there is wide disparity among the states in the number of children identified for special education who are receiving their education in the regular classroom. Only seven percent of children identified for special education in New York are in the regular classroom compared with fifty-three percent in North Carolina and thirty-six percent in Ohio.

In 1990, NASBE created a study group comprised of 17 state board members from across the country to examine the state of special education, particularly in light of the reform movement in general education. Few of these members brought to the study groups a preconceived notion about what the report should recommend, but after two years they unanimously agreed that a philosophy of inclusion is pro-child, pro-student

BEST COPY AVAILABLE

and consistent with our belief that all children can learn. At the same time, there were a number of concerns identified by the study group that can be addressed as we move forward with the reauthorization of IDEA.

The issues of concern identified by the Study Group included:

- the disproportionate number of children of color in special education;
- the excessive practice of labeling students for services;
- the segregation of students into separate classes;
- limited curricular options for many students in special education;
- less attention to monitoring the outcomes of instruction for special education students versus the process of instruction.

The study group's findings and recommendations are published in our report *Winners All: A Call for Inclusive Schools*, which has received widespread and positive attention from policymakers, legislators, and the courts. NASBE is following up on *Winners All* with field interviews and focus groups with educators, administrators, parents and students to more thoroughly describe how these stakeholders have successfully created inclusive schools, classrooms and communities. The results of this work will be published shortly.

Two years after the release of *Winners All*, it is clear that inclusion is not an abstract theory or a fad; it is happening all over the country and we are encouraged by the reports we hear. Inclusive schools are creating better academic and social outcomes for all of the students involved --both those with and without disabilities. Several advocacy organizations for people with disabilities and special education have taken position statements in support of inclusion. General education associations are re-examining their positions and passing policies in support of inclusion. The current Administration has been outspoken in its support of education reforms for all children and for its support for the inclusion of students with disabilities into the general education classroom. It is an important milestone in education reform that Goals 2000 is for <u>all</u> children, including children with disabilities.

Mr. Chairman I know there are many skeptics about inclusion and what it means for students. I understand that skepticism, but I don't believe we can continue excluding large numbers of special education students from the school reform movement. I want to emphasize that in promoting an inclusive system, NASBE in no way suggests that students' or parents' rights guaranteed under the Individuals with Disabilities Education Act be rescinded or compromised. Nor do we mean to promote the so-called inclusion model that places a child with a disability in a general education classroom without support.

Inclusion is based on the belief that all children can learn and when NASBE uses the term inclusion, we mean that the first educational option for students with disabilities should be their home school with their age and grade peers. To the maximum extent possible, included students should receive their in-school educational services in the general education classroom with appropriate in-class support. Let me emphasize, a situation in which every child is integrated and there are no choices for separate programming is as unacceptable as one in which every child is segregated and there are no choices for integration.

Some have voiced concerns that inclusion of disabled children will rob their non-disabled peers of the teacher's time. The data from the U.S. Department of Education tells us that two-thirds of all students in special education already receive some or all of their education in the regular class. Only seven percent receive their educational services in separate school facilities. And research has clearly shown that the achievement of non-disabled students does not suffer as a result of inclusion.

The research on separate systems of special education and general education raises serious questions on the impact special education has had on racially integrated and segregated classrooms. The data collected by the U.S. Department of Education reveals that if you are African-American, you are twice as likely to be labeled educational mentally retarded, trainable mentally retarded, and more likely to be identified as

severally emotionally disturbed. In addition, boys make up fully eighty percent of the students classified as severely emotionally disabled. For many children of color, special education is tantamount to the inadequate separate but equal education system that was outlawed by the Supreme Court in 1954.

Inclusive schools will look very different from the schools that you and I attended and that have remained unchanged to a large extent until today. Creating successful inclusive classrooms that benefit all students begins by creating an educational environment that values and supports all students and their diverse learning needs. Teachers repeatedly report that when they began to adapt instruction to meet the needs of students with disabilities in their classroom, they became more aware of the individuals needs of the other students. When schools are restructured in general to become more developmentally appropriate and personally engaging, teachers report they are more likely to have the necessary support and training needed to serve students with special needs in the regular classroom.

State boards of education support inclusion not to pit general education against special education, nor to suggest that all children are alike. In fact, we believe that the general education system must be reformed so that teachers and administrators can best teach to the diverse learning styles of all students. Rather than working apart and alone, special education and general education should be working together to invent new schools that are designed to serve a wide of array of student needs.

To work, and to be inclusive in the true sense, several components must be in place:

- Teachers, parents and educators must work in a more flexible environment which provides students the opportunity to demonstrate a variety of accomplishments beyond narrowly defined academic achievement;
- A variety of professionals including the general education

classroom teachers, the special education teacher, and other special support personnel must work cooperatively with shared direction and control; and

- Teachers, administrators and related service personnel must be prepared and receive comprehensive professional development for working together to provide an inclusive system.

The expected benefits of inclusion for all students is confirmed by the practical experience of a number of schools which have instituted an inclusive education system. Studies show no decrease in the achievement levels of the general education students in inclusive classrooms. One Louisiana school district, in its third year of a five-year move toward inclusion, reported a 50% decrease in Kindergarten through 6 grade discipline referrals and a substantial decrease in needed remediation. And in NASBE's recent field interviews with parents, teachers, principals and administrators, we were told time and again about the positive social benefits of inclusion to students without disabilities.

Your role in creating and supporting inclusive education environments is crucial, even though many of the elements will depend on the actions of state and local policymakers. While NASBE supports the integrity of IDEA, there are statutory changes needed to promote this philosophy of restructured schools. NASBE is preparing these recommendations and will submit them to the sub-committee upon their completion.

I would like, however, to offer two thoughts for your consideration because they are the cornerstone for much of what drives a separate system. First, is the labeling of children by their disability in order to identify them for funding purposes. The Act currently contains thirteen different categories in which students can be labeled, based largely on a medical model. While the law does not mandate that states label students in handicapping categories to receive funding, students must be counted by label for

purposes of Office of Special Education Programs reporting to Congress. In a similar fashion to Chapter 1, many states, however, find it administratively too cumbersome to account for special education dollars without labeling children and providing them segregated services. This practice of excessive labeling filters down to the building and classroom levels and often has a negative impact on the self esteem of children. Moreover, it frequently affects the way in which they are viewed by their teachers and peers. They are seen as students who will never achieve at a high level, consequently they are not challenged at a high level and their academic success is diminished.

Second, NASBE regards personnel in an inclusive system as the heart of its success or failure. That is also true of general education reforms and why NASBE has recommended that Title II professional development programs in the Elementary and Secondary Education Act now being reauthorized should include joint training at the pre-service and in-service level of general and special educators and administrators to cooperate and collaborate in an inclusive system. We urge that the same joint training be a part of the IDEA reauthorization. Such training must be sustained, intensive and tailored to an individual school if possible. Too often special education teachers feel they should or can work only with students identified as having a disabling condition. Many general education teachers feel they are not prepared and should not have to work with disabled students. This blinders approach does not serve students in either system well.

Finally, I want to express the hope that in all your efforts to reauthorize existing federal programs or to create new initiatives, you will keep inclusion in mind. The same philosophy should be incorporated in the reauthorization of the Elementary ad Secondary Education Act, especially in the Chapter 1 school wide programs and the Title II professional development programs, as in the reauthorization of the Individuals with Disabilities Education Act.

NASBE would be pleased to provide you with examples of successful inclusive

schools and state and local policies around the country and to help you visit inclusive schools in your district where they exist. We are delighted that the Administration is willing to address inclusion in a positive manner. We urge Congress to do the same so that all students will have a fair opportunity to meet the challenging standards that we are demanding of them.

Chairman OWENS. Thank you. Dr. Patrick Schwarz.

Dr. SCHWARZ. Mr. Chairman and members of the committee, thank you for the opportunity to appear before you this morning.

I speak to you today as a practitioner of a very successful inclusive home/neighborhood school education district in Tinley Park, Illinois and on behalf of the United Cerebral Palsy Association, the ARC, and the Association of Persons with Severe Handicaps.

These organizations all share the same basic values that resulted in dramatic restructuring of our educational system in Tinley Park. Schools must strive to be communities that value diversity, acceptance, and collaboration, rather than promote segregation, isolation, and dependence.

We believe that all children, including children with disabilities, have the right to be educated, to belong, and to develop friendships in natural settings, including neighborhood schools.

Tinley Park began our restructuring effort four years ago. During these four years, exciting things have happened for our students.

For example, Brian, a fifth-grade student with significant disabilities resulting from cerebral palsy, is now secretary of the Student Council. As we can all remember from our school days, Student Council elections are pretty competitive.

Brian's edge, interestingly enough, came directly from his disability. Brian speaks using augmentative communication, a computer with a voice output.

When it was Brian's turn to deliver his speech to the student body, the principal held the microphone in front of the speaker to the computer. The students went wild—they thought this was really cool—and he won the election with more votes than all of the other candidates combined, and there were six candidates.

Every student in the school learned something very positive about differences from Brian and Brian has become more confident and better prepared to make a life in the real world from these experiences.

Brian has another story about inclusion and friendship. His friend, Matthew, helps him on and off with his coat, daily. Being a very enterprising 12-year-old young man, Matthew decided there must be a better way for Brian to access his coat.

He researched clothing patterns at the Chicago Public Library and came up with a coat design that more easily worked around Brian's disability—a design that ultimately won acclaim for Matthew as the 1992 State winner of "Invent America." There was a zipper put along the sleeve so Brian could access the coat and be zipped in at that particular point. Both boys grew from this experience in ways that would have been denied them in a segregated school system.

I have the coat here today and also a campaign poster from Brian, if you would like to view them at a later point.

The Tinley Park program is now in its fourth year. We began with a decision to examine the concept of neighborhood schools during an administrative retreat in June of 1990. This was guided by a set of underlying values adopted by school administrators.

The first year was a year of information gathering, in-servicing, and planning for a limited pilot model demonstration. We looked to

the literature and current training programs for assistance to expand our knowledge and help.

School administrators attended a week-long institute. We hired professionals, who had training and experiences in delivering inclusive education, to assist us with our pilot model demonstration project.

In the second year, implementation began in two schools. We worked on a weekly planning process among general and special educators to create a system of supports, initially for just students with disabilities, and later for all students with any type of individualized need.

Teacher responsibilities were discussed and identified on weekly action plans. Technical assistance from the district program supervisor was delivered when necessary. We shared information about the pilots in monthly school staff meetings. We were open about successes and challenges in our district.

Administrators worked with us in anticipating and discussing problems before they caught up with us. We invited all teachers to visit the pilot inclusive education classrooms before the end of the school year as well as to visit self-contained classrooms and students that were to be included in their classrooms the following year.

Also during the second year, the school board adopted a statement of philosophy that mandated home/neighborhood schools for the entire school district and created action plans that refined the model for the following year.

The third year was characterized by greater movement toward full implementation of what we call in educational jargon a "zero reject model." Simply stated, zero reject means no one will be excluded from their neighborhood school.

We focused in year three on formal planning and team meeting days and the identification of other necessary modifications.

For example, report card formats had to be changed to accommodate some of the students with disabilities. Special educators took new ownership for students with general educational needs and general educators had great input in the education for anyone with an individualized need.

This school year, Tinley Park finally eliminated all self-contained classrooms and began implementation of the fully inclusive model. Whatever supports a students needs are identified, designed, and delivered by grade level teams of special and regular education teachers.

We combine the skills and expertise of professionals across disciplines to carefully structure the level of support identified for each student. Therapies are provided in the context of the classroom setting.

Throughout the process, the thoughts and concerns of parents of both children with disabilities and typically developing children were considered. A districtwide parent group was designed for all families who wished to attend.

Families expressed concerns that students without disabilities would make fun of students who had disabilities. This has not been proven to be true. Some were also worried that their sons and daughters with disabilities would lose therapy time. We commu-

nicated constantly with families and demonstrated, through a written tool that we developed, called IEP AT A GLANCE, how we address individual needs.

Families who have children with disabilities feel included in their own neighborhoods. Children without disabilities now ask children to play, go to parties, and to be friends. Parents with children who have disabilities are now participating in PTA meetings and have more involvement with the general working of their neighborhood schools.

One of the more notable changes in our story is the attitude of the regular educators. When asked to observe the special education classrooms during the second year of our project, they reacted with great anxiety about the changes that they would face in their classrooms.

The same educators now report that our current inclusive education model, while not "easier," is much better than the self-contained options. They see positive changes in behaviors, including behaviors that present big-time challenges. Enhanced, age-appropriate learning has taken place and many other significant gains, for all students.

Let me clearly emphasize one very important ingredient in inclusive education: our program has met with success because it is characterized by support for all the students. Without access to a full array of individually designed educational services and assistive devices to support the student in our classroom, our model could not work.

Our district is not alone in providing this type of inclusive education. In almost every State in our country, students with and without disabilities are being successfully educated alongside each other in their neighborhood schools. All of these districts share the common element often referred to as supported education. We do not dump students in general education classrooms. We believe that IDEA prohibits this practice.

In implementing the mandates of Public Law 94–142, we created self-contained classrooms because we thought that was the best model for giving intensive educational instruction. Our intentions were noble but we have seriously failed. We have isolated students from their peers, brothers, sisters, and neighbors. We have discounted the effective learning that happens among peers.

We assumed that intensive services could only be provided in segregated places. We put up funding mechanisms and systems of labeling students which reinforced segregation. According to our principals in Tinley Park, we had so successfully isolated students that they had no idea that some of the students had brothers and sisters with disabilities.

Mr. Chairman, as you continue your deliberations of IDEA, we would like to make some very simple observations.

Too many families are forced into litigation to achieve their basic rights under IDEA. Leadership is needed from you, from the Congress, and from the Department of Education to build the capacity of all neighborhood schools to respond to the needs of their entire student population, including students with disabilities.

In this era of educational reform and improvement, proven, effective educational strategies must replace our current cookie-cutter

approach of "one size fits all." Financing and data collection mechanism for special education which promote categorization and isolation of students with disabilities must be reversed. University programs are not adequately training teachers in state-of-the-art educational practices.

In closing, let me again thank you for the opportunity to share my views and those of other organizations and families nationwide who share our views.

I hope that our experiences in Tinley Park help in clarifying some of the issues that are involved in promoting what we so strongly believe: education works best when it addresses the needs of all students in natural, inclusive settings with services and supports provided as necessary.

I would be happy to invite you to come visit or to answer any questions.

[The prepared statement of Patrick Schwarz, Ph.D., follows:]

PATRICK SCHWARZ, Ph.D.

Mr. Chairman and Members of the Committee, thank you for the opportunity to appear before you this morning. I speak to you today as a practitioner of a very successful inclusive home neighborhood school education program in Tinley Park, Illinois and on behalf of The United Cerebral Palsy Associations, The Arc, and The Association for Persons with Severe Handicaps. UCPA, The Arc and TASH all share the basic values that resulted in dramatic restructuring of our educational system in Tinley Park: schools must strive to be communities that value diversity, acceptance and collaboration, rather than promote segregation, isolation and dependence. We believe that all children, including children with disabilities, have the right to be educated, to belong, to grow and to develop friendships in natural settings, including neighborhood schools. We are submitting for the record inclusion policy statements adopted by each of the organizations.

Tinley Park began restructuring four years ago. During these four years, exciting things have happened for our students. For example, Brian, a fifth-grade student with significant disabilities resulting from cerebral palsy, is now secretary of the student council. As we can all remember from our school days, student council elections are pretty competitive. Brian's edge, interestingly enough, came directly from his disability. Brian speaks utilizing augmentative communication -- a computer with a voice output. When it was Brian's turn to deliver his speech to the student body, the principal held the microphone in front of the speaker to the computer. The students went wild - they thought this was really cool - and he won the election with more votes than all of the other candidates combined. Every student in the school learned something very positive about differences from Brian - and Brian has become more confident and better prepared to make a life in the "real world" from these experiences.

Brian has another story about inclusion and friendship. His friend Matthew helps him on and off with his coat daily. Being a very enterprising 12 year old young man, Matthew decided there must be an easier way for Brian to access his coat. He researched clothing patterns at the Chicago Public Library and came up with a coat design individualized to Brian's needs - a zipper along the top of each sleeve to more easily work around Brian's disability - a design that ultimately won acclaim for Matthew as the 1992 state winner of "Invent America". Both boys grew from this experience in ways that would have been denied them in a segregated school system.

Tinley Park is now in its fourth year. We began four years ago with the decision to examine the concept of neighborhood schools during an administrative retreat in June, 1990. Two schools out of six in our District participated in a state supported "choices" grant model demonstration pilot project for inclusive education during the school year. A Committee of school administrators developed a set of underlying values which assisted them in the decision to commit to the project.

The first year was a year of information gathering, in-servicing and planning for a limited pilot model demonstration for an inclusive neighborhood school within the school district. We looked to the literature for assistance -- books, articles, in-services in our district and surrounding areas that would expand our knowledge and help in supporting the model demonstration pilot we were now planning to undertake. School administrators attended a week-long institute in Chicago sponsored by McGill University in Canada. We hired professionals who had training and experiences in delivering inclusive education to assist us with our pilot model demonstration project.

In the second year we actually began to implement the program in two target pilot schools. We worked on a planning and collaborative teaming process among regular educators and special educators once a week to create a system of supports initially for just students with disabilities, and later for all students with any type of individualized need. Teacher responsibilities were discussed and identified on weekly action plans. Alternative plans were created weekly, and significant technical assistance from the District Program Supervisor was delivered when necessary. We shared information about the pilots in monthly school staff meetings. We were open about successes and challenges to our model demonstration project. Administrators tried to anticipate and discuss problems with staff before they caught up with us. We invited all teachers to visit the pilot inclusive education classrooms before the end of the school year. They also visited self-contained classrooms of students they were to receive in their own newly inclusive classrooms the following school year.

It was also during the second year that the school board adopted a statement of philosophy that mandated a home/neighborhood school model ***for the entire school district*** and created ***action plans*** that refined the model for the following year.

The third year was charactenzed by greater movement toward full implementation of what we call in education jargon a "zero reject model". Simply stated, zero reject means that ***no one will be excluded from their neighborhood school***. To achieve that goal in the fourth year we focused in year three on formal planning and team meeting days. During the planning meetings, general educators share their lesson plans for the upcoming week. The team undertakes a decision-making process, determining whether activities can be delivered as is, whether alternate instructional presentation of the material is favorable. We focus on creating alternative activities for the entire class as well, for example, when a cooperative activity can enhance the learning for all students for a unit. We also had to address the major difficulty of general education classroom coverage during this critical planning, and accomplished the release time needed during school hours by team teaching, administrators teaching lessons, creative scheduling and floating reading aides. Among other things, activities as simple as report card formats had to be changed to accommodate some of the students with disabilities who would be welcomed into

BEST COPY AVAILABLE

the system the next year. We continued our staff development, expanding the roles of staff in regular and special education in redefined ways that ***focused more on individualization of all students***. Special educators took new ownership for students with general educational needs and general educators had great input in the education for ***anyone*** with an individualized need, be it a cognitive or physical disability, learning disability, challenging behavior or English as a second language.

In year four, this 1993-94 year, Tinley Park eliminated all self-contained classrooms and began implementation of the fully inclusive model. Whatever supports a student needs are identified, designed and delivered by ***grade level teams of special and regular education teachers. We combine the skills and expertise of teachers across disciplines to carefully structure the level of support identified for each student***. Therapies are provided in the context of the classroom setting. Pull-out therapy occurs only for assessment of therapy needs of the student. The information gained from the assessment is brought back to supporting the student in the general classroom setting. The purpose of therapy is to support the educational program, rather than to create a separate program in and of itself.

In this process the thoughts and concerns of parents of both children with disabilities and typically developing children were considered. We worked with our families in a district wide parent group designed for all families who wished to attend. There were families in our district who had concerns that students without disabilities would make fun of students who had disabilities. This has not proven to be true. Some parents were also worried that their sons and daughters with disabilities would be losing therapy time. We communicated constantly with families and demonstrated through a written tool, called the IEP AT A GLANCE, how we first and foremost were addressing individual needs that were identified on the IEP. Families who have children with disabilities have reported to us that they feel included in their own neighborhoods because children without disabilities are now asking their children to play, go to parties and be their friends. Parents who have children with disabilities are now participating in PTA meetings and have more involvement with the general working of their neighborhood schools, rather than being isolated with just families who also have children with disabilities.

One of the more notable changes in our story is the attitude of the regular educators. When these individuals were asked to observe the special education classrooms during the second year of our project, they reacted with anxiety about the changes that they were going to face in their classrooms. The same educators now report that our current inclusive education model, while not "easier," is much better than the self-contained options. They see positive changes in behaviors, including behaviors that present big-time challenges. Enhanced, age appropriate learning has taken place and significant gains in meeting IEP goals have also contributed to these positive attitude changes. This was not possible when students were limited to education and relationships only with other students who had challenging behaviors, or other significant disabilities.

Let me clearly emphasize one very important ingredient in inclusive education. ***our program has met with success because it is characterized by support for the student.*** Without access to a full array of educational services and assistive devices that are individually designed and made available to support the student in the classroom, our model could not work. Our district is not alone in providing this type of inclusive education. In almost every state in our country, students with and without disabilities are being successfully educated alongside each other in their neighborhood schools. To name a few: Syracuse and Johnson City, New York; Madison, WI; Louisville, KY; various locations in Minnesota; Illinois; Vermont; New Hampshire; Oregon and Colorado. All of these districts share the common element often referred to as "supported" education. These programs do not "dump" students in a general education classroom. We believe that IDEA prohibits this practice.

In implementing the mandates of P.L. 94-142, we created self-contained classrooms because we thought that was the best model for giving intensive educational instruction. Our intentions were noble, but we have seriously failed. We have isolated students from their peers, brothers, sisters and neighbors. We have discounted the effective learning that happens among peers. We assumed that intensive services could only be provided in segregated places. We put up funding mechanisms and systems of labeling kids which reinforced that erroneous assumption. Our principals in Tinley Park have made this observation during this process of moving to zero-reject neighborhood schools: we had so successfully isolated students that they had no idea that some of their students had brothers and sisters with disabilities.

Mr. Chairman, as you continue your deliberations of the Individuals with Disabilities Education Act, UCPA, The Arc, TASH and I would like to make some very simple observations. Too many families are forced into due process and litigation to achieve their basic rights under IDEA. Leadership is needed from you, from the Congress and from the Department of Education to build the capacity of all neighborhood schools to respond to the needs of their entire student population, including students with disabilities. In this era of educational reform and improvement, educational strategies such as collaboration, multi-level instruction, cooperative learning groups, hands-on activities, experientially-based instruction, computerized instruction, utilization of assistive technology, learning centers, and many others which foster inclusion and individualization of instruction for all children, must replace our current cookie-cutter approach of one-size fits all education. Financing and data collection mechanisms for special education to often promotes categorization and isolation of students with disabilities. This practice must be reversed. University programs are not adequately training teachers in state-of-the-art educational practices which promote: (1) the development of teaching strategies to support individual students; (2) the use of assistive technology to facilitate the support of students in the classroom; and, (3) the practice

of effective collaboration between regular and special education teachers which is essential to the successful full implementation of a free and appropriate education for all students with disabilities.

In closing, let me again thank you for the opportunity to share my views and those of other organizations and families across America that strongly desire and promote inclusive educational practices. I hope that our experiences in Tinley Park help in clarifying some of the issues that are involved in promoting what we so strongly believe: education works best when it addresses the needs of all students in natural, inclusive settings with services and supports provided as necessary. I would be happy to answer any questions.

Chairman OWENS. Thank you. I want to thank all of the witnesses. Dr. Schwarz, how many students are there at Tinley Park?

Dr. SCHWARZ. We have 3,000 students and 500 receive some type of pupil service.

Chairman OWENS. Three thousand?

Dr. SCHWARZ. Yes.

Chairman OWENS. Do you have any idea what your cost per student is?

Dr. SCHWARZ. I am not sure of the cost per student at this particular point. I can tell you, though, in terms of responding to the cost, that we have initially—I think that was one of the reasons that saving money was identified as a factor.

We have not saved any money by this model. Initially, we have put more supports into special education and it is a process piece, since it is involved with change, and we think, in the end, we will spend about the same amount that we did on special education previously.

Chairman OWENS. You definitely have not saved any money?

Dr. SCHWARZ. We have not saved any money by this model but we think in the end it will be about the same because we are asking people to make some changes.

Chairman OWENS. Ms. Truly, does the Chancellor of the City of New York, in his reorganization of certain aspects of special education, pretend he is doing anything other than saving money? Do they pretend that they are trying to improve services?

Ms. TRULY. Mr. Chairman, to the contrary, there was no discussion of saving money at any place in the plan documents.

The entire discussion, recited almost like a mantra, is "This will improve educational outcomes" and, having read all of the plans—there are other aspects of the reorganization also—I have to say that it is something like a self-fulfilling prophecy. If we say it will occur, it will occur. There is no substance to the projection for improved outcomes and, indeed, no discussion of the fiscal motivations behind the reorganization.

Chairman OWENS. I follow developments in New York City very closely and I do recall that the first announcement of a great reorganization was as part of a plan to meet the savings required by the city of more than $300 million. In all the discussion with the teachers and the educators, they pretend this is to improve education?

Ms. TRULY. Mr. Chairman, I will be glad to provide you with copies of those plans so that you and your staff can make the analysis yourself.

I might point out that there are many, many aspects of reorganization going on, including the downsizing of 110 Livingston Street and certainly, aspects of the downsizing of Board of Education headquarters will be a cost-saving mechanism.

There are reorganizations of high schools going on; three different aspects of special education, the division; the manner in which students are evaluated is undergoing a proposed reorganization as well as the manner in which services are delivered for the more severely-disabled students.

Chairman OWENS. The question of cost is not a small one. It seems to be driving a lot of the discussion, so I want to dwell on it for just one moment more.

Is that of any concern to the State boards of education, Ms. Welburn?

Ms. WELBURN. Mr. Chairman, boards feel that school reform at large is going to cost money because teacher training is going to be significant in terms of cost. To that extent, inclusion is just another factor of school reform and they recognize that.

Chairman OWENS. They do not expect to save costs by pushing for more inclusion?

Ms. WELBURN. No, absolutely not.

Chairman OWENS. They do not? Ms. Welburn, have national efforts been launched to involve teachers and administrators in regular education in the design of these new inclusion strategies?

Ms. WELBURN. In developing our next publication, we have met with lots of teachers who have, some of them, become very frustrated that it has been dumped on them as a notion of reform without appropriate training.

However, in the districts that have been very successful, we find that the inclusion of parents and teachers, both regular education and special education parents together, to speak about how that inclusive model should come about, has been very successful.

Where we find there has not been as broad an involvement very often is at the central office administrator level and some of them do not have the kind of notion and understanding of the implications of inclusion.

Chairman OWENS. How would you respond to the concerns of the parents of deaf children—presented so well by Ms. Raimondo—who assert that inclusion strategies would diminish the quality of education and socialization that their children presently receive in a more specialized environment?

Ms. WELBURN. I think our view is that, were you to bring that child in and work with that child and decide that the regular education classroom is not going to meet her needs in the same way that this school would, then by all means, she should be in the deaf school. Our advocacy for inclusion is not to suggest that deaf schools are not, in some instances, best for a child.

However, to assume because a child is hearing-impaired or deaf that they cannot function or find success in a regular education classroom is, for our way of thinking, not appropriate.

Dr. SCHWARZ. Mr. Owens, could I respond to that one? In terms of children that are deaf, we have provided supports in general education class with the assistive devices necessary.

We do not want to isolate them from other children that are deaf, but we also want to prepare them for the real world, that has great diversity. So we have those supports placed to meet their individual needs. The IEP would come first for those individuals.

Chairman OWENS. Ms. Raimondo would very much like to comment.

Ms. RAIMONDO. Thank you. We have some very strong doubts about whether those needs can be met in the regular classroom for many, many deaf children.

Certainly, for some, we would agree that they can be but, when you talk about socialization experiences, kids running around on the playground playing with each other, high schoolers asking each other on dates, it is virtually impossible to duplicate those kinds of experiences through a sign-language interpreter or through an FM system.

We believe that deaf children need face-to-face communication with teachers and their peers and that those kinds of experiences do help them learn about the real world; that once they get a strong basis in their culture and their language and experience success in their educational program, then they will be better able to go out and compete, as I said, with their peers in the hearing world.

Dr. SCHWARZ. Could I respond to that again?

Chairman OWENS. No, no.

Dr. SCHWARZ. Okay.

[Laughter.]

Chairman OWENS. What reaction would there be, Ms. Raimondo, if large numbers of deaf parents are mandated to put their children into regular classrooms?

Ms. RAIMONDO. This is something that we have been struggling with for years, where deaf schools have been closed. Over the years, many, many schools have been closed and children have been mainstreamed. Inclusion is one step further than mainstreaming.

The reaction has been very upsetting because what happens so often is that schools and teachers who do not often know much about deaf children, because deafness only occurs in something like one out of 1,000 people, assume that the regular classroom is best and then the onus is on the parent to show that it is not and they are the ones who end up in court or at due process or whatever stage in the proceeding, to try to get a more appropriate setting for their child.

There's something else I would like to add. You were asking about costs before and I know that some of the people here have said cost is not a consideration. Oftentimes, cost does come up and I would say for deaf children it is really hard for us to see how you would be saving money by putting deaf children in an inclusive classroom when you look, first of all, at the cost of the sign language interpreter.

In many situations, the sign language interpreter will be paid more than the regular classroom teacher, to say nothing of other assistive devices or other specialized teachers that may be involved in the child's IEP; so, from a cost perspective, there are not necessarily any savings.

Chairman OWENS. Mr. Ballenger.

Mr. BALLENGER. Thank you, Mr. Chairman. You wanted to answer a question. I was curious, in your school system, what do you do with parents who want to have their child placed in a separate school?

Dr. SCHWARZ. We have worked out situations with families if they choose to do that. Some of those have ended up in due process, but we do have two such families who do not agree with our model, who are in a different situation, that are within our school district.

We try to work with them. We try to educate them about the model, invite them into schools, have them talk to general and special educators, so that they are very aware of what we are trying to do, that it is a system of supports rather than dumping.

Mr. BALLENGER. Tinley Park is separate from the Chicago school system, is it not?

Dr. SCHWARZ. Yes, it is.

Mr. BALLENGER. That is probably very fortunate, considering the way I understand the Chicago school system works. Would you consider yourself a fairly well-to-do neighborhood?

Dr. SCHWARZ. I would say not at all. I would say we are pretty middle of the road, with some lower-income families that are involved in our school district.

In terms of the costs and everything that we have sunk into it, I think the most important part for us is the return for the investment of the dollars that we have put into it which we think will be the same, in the end, in terms of all the students being educated with one another and learning about individual differences.

We are trying to prepare our students not just in reading, writing, and arithmetic but, also, to be good citizens; and we think this is part of being a good citizen.

Mr. BALLENGER. Ms. Raimondo, I just would like to commend you on your daughter.

Ms. RAIMONDO. Thank you.

Mr. BALLENGER. She is having a wonderful time and so am I, watching her. Ms. Truly, because of the way the laws are written—and you are talking about professional development—do you feel that there should be some kind of unified system in training the regular classroom teachers and the special education teachers?

Ms. TRULY. May I inquire whether you are talking about higher education or staff development?

Mr. BALLENGER. I am talking about just regular elementary-secondary education. H.R. 6 says the funds cannot be used for special education teachers and IDEA says that funds cannot be used for regular classroom teachers. In other words, the two funds are completely separated and must be used separately.

I am asking you, does that make sense or should the money be allowed to go either way?

Ms. TRULY. I think that the issue of mixing funding streams bears further study. I cannot comment on it right now but I think, certainly, the segregation of the funding streams has been a critical problem. There have been, I know, in New York City, separate systems of staff development for special educators and general educators.

I think if we are going to be encouraging more special education students and placements for those students in general education settings, you are going to have to do something to meld those models.

You are going to have to do something to bring general education into the staff development model and to learn more about providing services in the classroom to special education students—among other things, how to work with special educators in meeting the needs of students, collaborative models for meeting those needs, team models, and reform in delivery of educational services.

Mr. BALLENGER. I was going to try to cut it short. I think Major has to go to another hearing. I was going to ask Ms. Welburn how she felt about the fact that the funds are separated and cannot be used interchangeably.

Ms. WELBURN. The notion that instructional strategies for special education children are not transferable to regular education kids is a fallacy.

We have not discussed the melding of the funds but, certainly, our support of inclusion would lead to the conclusion that, as we train teachers, special education teachers and regular education teachers need to learn from each other in their instructional strategies. They need to learn how to work with all kinds of children.

Regular education teachers right now are not prepared to work with diversity of learning style children who are not labeled as special education. I would think that the committee would look at that very closely.

Mr. BALLENGER. Dr. Schwarz's system, prepared for a year and coasted into the inclusion plan very gently over a four-year period. I would gather that has not been a common approach to reform?

Ms. WELBURN. On the more successful models it has been. None of us are prepared to just move special education children into the regular classroom without training, without facilities, and very often, without equipment. If a school says they can do that inside of a year, I would be pretty suspicious, quite frankly.

Mr. BALLENGER. Thank you, Mr. Chairman.

Chairman OWENS. Mr. Barrett.

Mr. BARRETT. Thank you, Mr. Chairman. I noticed, Ms. Truly, on page 11 of your written testimony, one of the recommendations you made was to amend "stay put" to allow districts to make responsible interim placements of students who are violent or disruptive.

Ms. TRULY. Correct.

Mr. BARRETT. I guess we probably all know what a violent student might be. Can you give me some description, some understanding of what you mean by disruptive?

Ms. TRULY. I might, for example, be talking about the student that I described to you in terms of acting out so severely, even out of his disability, that he cannot be served in that particular setting by those staff.

That student took up 100 percent of the time of that teacher such that, in order to maintain any education for the rest of the classroom, the school system in the City of New York had to assign a full-time teacher and a full-time paraprofessional to be with that student 100 percent of the time.

That was something they did on their own but they had to do that because, without doing so, none of the other students—and it was a small group of six students—would have received any education services. It is that type of disruption that we are talking about. Sometimes it may be related to disability and sometimes it may not be.

Mr. BARRETT. Are you comfortable with the current understanding of disruptive or does it need further identification?

Ms. TRULY. I think it does, and I think that is something we would have to work on to have a clear definition. We would not be

supportive of having this be misused. We are not interested in returning to the past.

I would also like to add that we are not talking about excluding the students and putting them out on the streets. If we put students out on the streets, they do not learn; they do not benefit from education by not being in education.

What we are talking about is making available appropriate, supportive alternative settings that are transitional so that those students may regain the behavioral control so that they can participate and benefit from education in less restrictive settings.

Mr. BARRETT. Yes, because it does occur to some that this might be a good way for a teacher to get rid of a student who is hard to teach.

Ms. TRULY. Exactly. We do not want to encourage that. We want responsible alternative models that are transitional in nature and a time frame for returning that student to the less restrictive environment.

Mr. BARRETT. Ms. Raimondo, I concur with my colleague, Mr. Ballenger. I am having fun watching your daughter, as well. She is a delight.

Inasmuch as the law, I believe, makes the regular classroom the primary placement right now and says, essentially, that other placements should be considered only if the regular classroom does not work, would you respond to that?

Ms. RAIMONDO. I have two ways that that could be addressed. The clause that you are referring to, the first phrase that everyone uses is: to the maximum extent appropriate and removal should occur only when the severity or nature is of a certain type.

I would say, if we are going to make a change in that clause of the law, I would say we should say that placement in the regular classroom occurs "to the extent appropriate," rather than "the maximum extent appropriate" and it occurs "when" the severity or nature is of that characteristic as opposed to "only when," so that would open it up to a few other choices where people did not feel so compelled to use the regular classroom as the first place.

Another way of addressing the needs of deaf children would be in the regulations; and I understand that that is not what you are looking at here. However, when OSERS issued its policy clarification—it was issued twice: by the previous administration in October, 1992 and by this administration in February, this past February.

That policy clarification referred to the needs of deaf and hard-of-hearing children and the least restrictive environment and it said, when you look at the least restrictive environment for deaf and hard-of-hearing children, you should be looking at cultural needs, linguistic needs, academic needs, and social needs.

I would like to see that formalized in the regulations. I think that would go a long way to helping us find the better placements for our deaf children.

Another point that I would like to make related to this is, we do not think of deaf schools as being inclusive schools but I would submit that they are. I know, in my daughter's case, she attends school with children with mental retardation, with cerebral palsy,

83-885 O - 94 - 3

with varying developmental delays so, in a lot of ways, that is a very inclusive school.

It does not include hearing children but it includes children of just about every other kind, every race, income level. It is quite an inclusive school.

Ms. TRULY. May I comment on that, Mr. Barrett, on your question?

Chairman OWENS. I am going to have to limit the questions to five minutes. The gentleman's time is up.

Mr. BARRETT. My time is up? I had one more question.

[Laughter.]

Mr. BARRETT. Let me just refer back to the hearing we had last week in which one of our colleagues was criticizing—it was the IEP issue—the fact that the teacher who has taught the child, he wanted the teacher—looking at notes here that I had made—who had taught the child to be present when the parents go to the school system to determine the appropriate placement of the child.

I recall that specifically he criticized the fact that a child's current teacher, who might very well vary, because they are outside the school system—as in the case, perhaps of your child, Ms. Raimondo—is barred from participating under IDEA and only a teacher of the current system needs to be present.

I would address this to you, Ms. Raimondo, and to perhaps you, Ms. Truly. In other words, that teacher may be totally unaware of that child's needs. Could either of you respond to that, please?

Ms. TRULY. I can respond a little bit. Certainly the law and regulations currently allow the agency discretion to have that teacher present. Our experience has been that a lot of times for physical and scheduling reasons, that teacher is not the one who is called upon to be present at that meeting.

We feel that this needs to be tightened up. In New York City, I do know that the teachers for the students who are in the private settings are invited and do participate in the IEP meetings and I think that is something that should be strengthened and expanded.

I do not agree that there is a current bar to their participation. I just feel that it is not encouraged.

Mr. BARRETT. He was quite specific about that teacher being barred. Could you perhaps respond, Ms. Raimondo, or not?

Ms. RAIMONDO. You are saying that the teacher in a specialized setting was barred from being in the IEP meeting?

Mr. BARRETT. He criticized the fact that a child's current teacher, who may be employed outside the system, is barred from participating, under IDEA. Only a teacher of the current system need be present at that meeting and that teacher may be, as I said, unaware of some of those problems.

Chairman OWENS. Virginia State law.

Mr. BARRETT. Virginia State law? It was not Federal?

Chairman OWENS. It is not Federal.

Mr. BARRETT. Okay. That will answer the question. Thank you very much. Thank you, Mr. Chairman.

Chairman OWENS. Mr. Fawell.

Mr. FAWELL. Thank you, Mr. Chairman.

Chairman OWENS. I apologize, Mr. Fawell, for limiting you to five minutes. We do not do this at the subcommittee level usually, but we have an emergency today.

Mr. FAWELL. That is quite all right. I first of all want to say that I think all of the witnesses have done a beautiful job. With each one, I found myself in 100 percent agreement and then realized that this was impossible.

[Laughter.]

Mr. FAWELL. All of you have eloquently made your case. I am especially interested in the experiment in Tinley Park which may or may not be in my congressional district—I do not know—I have a portion of Tinley Park in my district. In that sense, I am very interested in the testimony of Dr. Schwarz.

Prior to serving in Congress, when I was practicing law, I represented school districts quite a bit. Before that, I represented parents in IEP proceedings. Consequently, I find this subject very interesting.

Dr Schwarz, it seems to me that the way you folks have gone about setting up your special education program is extraordinary. Obviously, you have been involved in special education for many years.

What brought about the idea of having this retreat to develop a new concept for how you meet special education needs of your area?

Dr. SCHWARZ. We wanted to find out if there was a better way of addressing the educational needs. What we were finding in some of our—we would do program evaluation in the school district, and this was before the time that I entered the school district, but IEP attainment and some of that information that they studied was not that hot in some of the—it was kind of middle-of-the-road.

IEP attainments in terms of meeting goals and objectives outlined on the individual education plan have gone up since we have instituted this particular model. Also, we were looking at better ways of meeting the needs of particular students, especially some of the students that had behavioral challenges, some of the students that were medically fragile, some of the students that were not making the kind of gains we would like to see them make.

I think some of those students are in great need of appropriate pro-social models and I can give you an example with one student. His name is Jason. He came into our school district from a different situation. He is a young man that has autism and challenging behaviors.

In his classroom in the former situation—this was before first grade—he would be able to get up, and it was a closed classroom, and run around, and he could make noises. People with autism often do not like a lot of changes in everything. They moved into our school district so he had a lot of changes in terms of his home setting—a new home, a new school, all new people surrounding him.

When he first got in the school setting, he would go around the school and make noises. He would try to go in all the classrooms. We considered this a bigtime challenge.

What we had to realize is this was a young man who came into the school setting frightened; he did not know or understand all

these changes that were happening to him. What we had to do was to be a little bit more liberal from the start because he did not know a different way.

We talked, in staff meetings, to our general educators. We informed them what was going on. As a team, we decided what areas would be on-limits and what areas would be off-limits, from the beginning.

We were pretty liberal with the on-limits in the beginning. We gradually shaped his on-limit areas to be less and less and to try to get near the general education classroom, the second-grade classroom.

He is in second grade this year. He spends approximately 85 percent of his day in second grade with the proper supports. When he is not in second grade, he is utilizing environments like the computer laboratory, the library, gymnasiums, the music room, when other students are accessing those environments in the school.

What we had to do was look at the array of environments. We do not confine students to general education classrooms. What we do is look at the range of environments that we have available in the school and look accordingly at what the person needs and try to work into that general education classroom rather than push them right in there at the start. We think our model would fail if we pushed too hard, too fast.

Mr. FAWELL. I am not very knowledgeable of what other schools are doing, but I commend you for involving the administrators and the teachers in the development of the program, and for providing appropriate training of school personnel during the phase in. I think that is the way it ought to be done.

What about a situation where, as Ms. Raimondo has pointed out, her daughter has had benefits, from age one, by going into a specialized area for the deaf? Do you feel frustrated that there are students who could have benefited from preparation and special education before they enter the school?

Do you find there is an inability to do what really ought to be done because of this?

Dr. SCHWARZ. I am not sure I understand.

Mr. FAWELL. I assure you that you cannot give this specialized education, at your public school, prior to the time when the children normally come into the school system. You will not take anyone at the age of one, for instance, who is deaf, and begin to give the child specialized education.

Yet I think Ms. Raimondo testified this morning to the tremendous importance for persons who need special education to be able to have the education come as early as possible.

Dr. SCHWARZ. Oh, yes.

Mr. FAWELL. How would you fill this void?

Dr. SCHWARZ. Our district has birth-to-three programs as well as early childhood program.

Mr. FAWELL. You do?

Dr. SCHWARZ. We have to address those particular needs. It is obvious that Ms. Raimondo's daughter has a lot of good professionals that are providing opportunities and skills and that they have talents.

In our school district we try to put those same types of professionals, with the top skills and training, but we support it in more of a general setting.

Mr. FAWELL. They would have the same type of training.

Dr. SCHWARZ. We would put the same people that had the same type of training. However, we would be using more environmental options. Again, we do not confine people to the general education classroom. We utilize a variety of general school environments.

Mr. FAWELL. Again, my hat is off to you. I think it is a tremendous program and, if everybody were doing it the way you are doing it, we probably would not have much of an issue such as we have here right now.

Just one little parting question. Have you had many due process cases where parents disagree and nevertheless want to opt for a self-contained setting, classroom?

Dr. SCHWARZ. I would say we have had a handful of those cases. We also have had parents who have gone into the situation with great skepticism, who said, "Prove to me this works," and we continue to try to plug away at it.

What has really convinced some of the parents—there is one parent, Nancy, who has a son named Patrick. Patrick uses sign language as his means of communication. She was very worried that he would lose his therapy time—in particular physical therapy time—because he is in a wheelchair.

He started getting invited to parties, neighborhood events, things like that. People started calling on him. She took him to one of the parties, brought him in the van, in his wheelchair and, when she arrived there, some students started coming up to Patrick and wanting to do things with him and kind of taking over.

She stood there and watched and then she said: "I saw him being totally supported in very natural types of things. He was having a good time; smiling." She went into the women's bathroom and cried for about 15 minutes. That started to cement some things for us.

What we had to do, through our tour, called "IEP at a Glance," is demonstrate that we were first and foremost meeting individual education needs and we could do this in a variety of different settings, so we had accountability for meeting those needs.

In situations where people are dumped without supports, I say they are just "winging it" in the situation, there can be a positive situation where it is good "winging it," but they do not have a planning process ahead of time to be informed about what it is going to be like in that classroom before the student gets in there. So, they have planned out the activities and have identified what supports, adaptations are needed for that person.

Mr. FAWELL. Thank you very much. I would like to talk to you more at length at a later date.

Dr. SCHWARZ. I would, again, invite you to come out. We would like to host anyone coming to our school district; we would be delighted to have you.

Mr. FAWELL. Thank you very much.

Chairman OWENS. I would like to thank all of the witnesses. If you have any further comments to submit to the committee in writing, we would appreciate receiving them within the next 10 days. We may be in touch with you with further questions.

The hearing is recessed until 1 p.m.

[Recess.]

Chairman OWENS. The Subcommittee on Select Education and Civil Rights will come to order. We apologize to our panelists for having to be rescheduled at the last minute.

Panel II consists of Dr. Marie Ficano, Chair of the Government Affairs Committee, Chair of the National Association of Private Schools for Exceptional Children, Washington, DC; Dr. Linda G. Morra, Director, Education and Employment Issues, Health, Education, and Human Services Division of the General Accounting Office; Mr. Robert Chase, Vice President, National Education Association, Washington, DC; Mr. Carlos Oberti, Parent, Clementon, New Jersey.

Please take seats. We have copies of your written testimony which will be entered, in its entirety, into the record. You may read it if you wish, but we prefer that you highlight it and then, during the question and answer period, expand further on any particular points.

Dr. Ficano.

STATEMENTS OF DR. MARIE FICANO, CHAIR, GOVERNMENT AFFAIRS COMMITTEE, NATIONAL ASSOCIATION OF PRIVATE SCHOOLS FOR EXCEPTIONAL CHILDREN (NAPSEC), WASHINGTON, DC; DR. LINDA G. MORRA, DIRECTOR, EDUCATION AND EMPLOYMENT ISSUES, HEALTH, EDUCATION, AND HUMAN SERVICES DIVISION, GENERAL ACCOUNTING OFFICE, WASHINGTON, DC; MR. ROBERT CHASE, VICE PRESIDENT, NATIONAL EDUCATION ASSOCIATION, WASHINGTON, DC, AND MR. CARLOS A. OBERTI, PARENT, CLEMENTON, NEW JERSEY

Dr. FICANO. Thank you. On behalf of the Chair of the National Association of Private Schools for Exceptional Children, I want to thank you, Mr. Chairman, and the subcommittee, for allowing us this opportunity to comment on the reauthorization of IDEA. We look forward to working with you to ensure that all children with disabilities maintain their right to a free, appropriate public education.

NAPSEC represents over 200 private, special education schools nationally and over 600 at the State level, that serve children, both publicly and privately placed, who require individual and educational therapeutic services outside of the public school.

NAPSEC represents both day and residential treatment programs that provide a wide array of services to children with disabilities and their families. NAPSEC is also a member of ACTION—Action for Children to Ensure Options Now.

ACTION consists of over 73 associations, parent groups, and other professionals formed for the singular purpose of preserving the continuum of alternative placements and services when IDEA is reauthorized. Our major concern regarding the reauthorization of IDEA focused on ensuring that services required by law, specifically those provided through FAPE, are actually delivered to the children with disabilities.

While NAPSEC wholeheartedly agrees with the provisions under IDEA, we feel to date it has not been implemented effectively. This

is especially true with regard to ensuring that a continuum of alternative placements and services is available based on the individual needs of the child and the family.

In recent years, the principle of educating all children with disabilities in the least restrictive environment has fostered several movements—mainstreaming, the regular education initiative, rather, and now inclusion. It is our concern that the urgency to implement these "one size fits all" policies, that emphasize the place instead of the child's individual and unique educational needs, may result in limiting the child's ability to achieve his or her maximum potential.

It is NAPSEC's belief that clearly stating the continuum of alternative placements and services in IDEA will help to prevent the misinterpretation of what is required for FAPE. The continuum offers a variety of alternative services for meeting the unique, individual needs, of all children with disabilities.

It does not mean that inclusion in the regular classroom is the only appropriate option but one of many appropriate options for children. All alternatives in the continuum must be viewed as equally important and essential when it comes to meeting the needs of children with disabilities.

IDEA requirements are being interpreted to mean that all children must be educated in the regular classroom, regardless of whether it provides appropriate educational services in the least restrictive environment or not. It is a decision based on a place, not the child's individual needs.

We know this is not the intent of IDEA but a mythical mandate spreading in the States. It is being interpreted that inclusion is required by IDEA. Providing a continuum of alternative placements and services is not being enforced. Thereby, many children are not receiving the services they are entitled to, due to the apparent shift in special education priorities from the child to the placement.

Our association's national office has received countless calls from parents who are distressed about their child's placement services or lack thereof. Our office is prepared to provide any documentation this committee would like to see in that regard. The calls are increasing, the stories equally outrageous.

Children are being returned to the regular classroom without the necessary services, supports, and training and other factors that make such a placement successful. Parents are willing to sacrifice their homes, life savings, to obtain appropriate services, services required by IDEA.

Parents often end up fighting a system that was created to help them, all due to a lack of implementation and misinterpretation of a good law which appears to be limiting the exact services to children that IDEA was created to provide.

The aforementioned is clearly demonstrated in the 15th Annual Report to Congress on the Implementation of IDEA and the fact that the true intent of IDEA has not yet been realized. Of the 21 States that submitted State plans, 60 percent had not included adequate policies and procedures to ensure that the State had a goal of providing full educational opportunity to children with disabilities.

Of the 14 States monitored, all had policy inconsistencies with respect to FAPE. Twelve of the 14 States were deficient in meeting general supervisory responsibilities to ensure that students with disabilities were receiving special education and related services in conformance with their IEP.

All 14 States did not have monitoring procedures in place to ensure that the IEP program for each child included the content required. Nine of the 14 did not have monitoring procedures in place to ensure that the educational placement of each child with disabilities is based on his or her IEP. Sadly, last year's report revealed much of the same statistics.

I would now like to address part H. Now that States have experience with part H, we see some glaring problems. In some States, prior to the enactment of part H, programs and services were provided to infants and toddlers with developmental delays or disabilities and their families. Post-enactment, the legislation was used to dismantle systems, save dollars, and provide less, under the guise of compliance with Federal law. We are recommending the need for a "maintenance of effort" provision in the Federal law. We feel this is needed in both the areas of eligibility and programmatic criteria.

In New York State, for example, the early intervention system has experienced a funding drop, even though we know there are more infants being born with drug addiction, HIV, low birth weight, and congenital anomalies. More infants and toddlers are experiencing homelessness, malnutrition, hunger, lead exposure, economic deprivation. Yet, we continue to see the funding drop.

Strengthening of the transition language is also needed. Children are encountering gaps in the service provision because of convoluted, bifurcated systems that exist in States between part H and part B. Children identified as developmentally delayed under part H may not be found delayed under part B.

Families are forced to negotiate two systems at a critical time of development for their child with a disability. The transition needs to be fluid and responsive to the child's and family's needs.

Appropriate preservice, inservice, and training to work with the infants and toddlers with disabilities is sorely lacking. A comprehensive system of personnel development needs to be implemented.

IDEA needs to further define private funding sources, especially with respect to safeguards for a family's financial resources and insurance parameters. For example, in New York, we are experiencing insurers that are electing not to insure an individual or a firm's policy, imposing significantly higher premiums, reduced coverage, or extended exclusions on preexisting conditions.

Many of the issues raised in your request for comments may be partially addressed by fully implementing the law and ensuring that the continuum of alternative placements and services is truly available to children with disabilities. Issues surrounding overidentification, misidentification, accountability, and outcomes, and the correct method for appropriately including children with special needs in the regular classroom can be improved by enforcing the law and ensuring that it is implemented correctly.

It is for this reason that we ask your assistance in ensuring that the continuum of alternative placements and services is main-

tained and strengthened in IDEA. We must ensure that there will always be a continuum of services available that truly meets the individual needs of children with disabilities.

To simply provide one option that is not appropriate for all children will be devastating. Amending part B and incorporating the regulatory language to ensure a continuum will provide the emphasis necessary to ensure that IDEA remains child, not placement, focused. It will also prevent regulatory changes from diluting and/or eliminating children's special education alternatives because it will be clearly stated in IDEA.

This language emphasizes that a continuum of alternative placements and services will remain available and required, regardless of outside influence, monetary constraints, or political reorganization. This amendment will protect the rights of children under IDEA without which they are in continual jeopardy.

NAPSEC feels the continuum should be viewed as a circle of alternative placements and services that surrounds every child with a disability. Each child is able to access the individual service he or she needs at a critical point in his or her life.

These services give children the foundation necessary to establish and cultivate the skills required to allow them to realize their maximum potential and independence as children and adults. This cannot be accomplished through a "one size fits all" approach.

We urge you to keep the individual in IDEA by ensuring that the continuum of alternative placements and services is strengthened, not diluted, when IDEA is reauthorized. Again, thank you, Mr. Chairman, and subcommittee.

[The prepared statement of Dr. Marie Ficano follows:]

Dr. Marie Fiano

On behalf of the National Association of Private Schools for Exceptional Children (NAPSEC), I want to thank you, Mr. Chairman, and the Subcommittee for giving us this opportunity to comment on the reauthorization of the Individuals with Disabilities Education Act (IDEA). We look forward to working with you to ensure that all children with disabilities maintain their right to a free appropriate public education (FAPE).

As you may know, NAPSEC represents over 200 private special education schools nationally and over 600 at the state level that serve both publicly and privately placed children with disabilities who require individualized education and therapeutic services outside of the public school. NAPSEC represents both residential and day treatment programs that provide an array of services to children with disabilities and their families including, but not limited to: psychology; psychiatry; physical, occupational, and speech therapy; diagnostic testing; adaptive physical education and recreation; nursing services, and social work. NAPSEC is also a member of ACTION, Action for Children to Insure Options Now. ACTION is a group of 73 associations, parents, consumers and professionals that was formed for the singular purpose of preserving the continuum of alternative placements and services when IDEA is reauthorized.

Our main concern regarding the reauthorization of IDEA concentrates on ensuring that the services required for a free appropriate public education (FAPE) through a continuum of alternative placements and services are actually delivered to children with disabilities. NAPSEC feels that IDEA is a good law, but it is not being implemented effectively.

As stated in the purpose of IDEA, "the law is to assure that all children with disabilities have available to them a FAPE which emphasizes special education and related services designed to meet their unique needs." In recent years the principle of educating all children with disabilities in the least restrictive environment has fostered several movements - mainstreaming, the regular education initiative, and now inclusion. It is our concern that the urgency to implement these "one size fits all" policies that emphasize a place instead of the child's individual and unique educational needs, may result in limiting the child's ability to achieve his/her maximum potential.

It is NAPSEC's belief that clearly stating the continuum of alternative placements and services in IDEA will help to prevent the misinterpretation of what is required for FAPE. The continuum offers a variety of alternative services for meeting the unique individual educational needs of all children with disabilities. It does not mean that inclusion in the regular classroom is the only appropriate option available for children with disabilities, but that inclusion is one of many appropriate options available for FAPE as required by IDEA. All alternatives in the continuum must be viewed as equally important and essential when it comes to meeting the needs of children with disabilities.

*IDEA requires each State to assure, to the maximum extent appropriate, that children with disabilities, including those in public or private institutions or other care facilities, are educated with children who are not disabled, that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. However, this is being interpreted to mean that **all** children must be educated in the regular classroom regardless of whether it provides appropriate educational services in the least restrictive environment or not. It is a decision based on a place not a child's individual needs. We know that this is not the intent of the IDEA, but it is a mythical mandate that is spreading in the States. It is being interpreted that inclusion is required by IDEA. A continuum of alternative placements and services is not being enforced, and causing many children to not receive the services they are entitled due to the apparent shift in special education priorities from the child to the placement.*

The number of calls NAPSEC has received regarding placement referrals and parents distressed over lack of services has increased two fold this year. The calls range from a parent in Tennessee with an eleven-year-old-boy who cannot speak, and the school that will not provide speech therapy because they said it is too costly, to a parent in New York who was told by a teacher that the school does not have the services necessary to help her son, but he won't testify to it in court because he is afraid of losing his job by recommending a separate placement, to a parent in Maryland whose daughter is sitting in a regular classroom, her skills regressing each day and failing every course, but the teacher passes her with Ds because she is such a nice child, and the teacher doesn't have the heart to fail her. The referral calls have increased due to parents' frustration with a system that tells them their child must remain in the regular classroom even though he/she continues to fail horribly. Parents are willing to sacrifice their homes and their life savings to obtain appropriate services - services that are required by IDEA. These calls are many, and the story is always the same. How can I get help for my son/daughter? These parents often end up fighting a system that was created to

BEST COPY AVAILABLE

help them, all due to a lack of implementation and misinterpretation of a good law, which appears to be limiting the exact services to children that IDEA was created to provide.

It is obvious by the 15th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act that the true intent of IDEA has not yet been realized. Of the 21 States that submitted State Plans, sixty percent had not included adequate policies and procedures to ensure that the State had a goal of providing full educational opportunity to all children with disabilities. Of the 14 States that were monitored in 1992, all 14 had policy or procedural inconsistencies with respect to FAPE. Twelve of the 14 States were deficient in meeting general supervisory responsibilities to ensure that students with disabilities were receiving special education and related services in conformity with their Individual Education Plan (IEP) or that special education and related services contained in their IEPs were designed to meet their unique needs. All 14 States did not have monitoring procedures in place to ensure that the IEP program for each child included the content required. Nine of fourteen did not have monitoring procedures in place to ensure that the educational placement of each child with disabilities is based on his or her IEP. Sadly, last year's report revealed much of the same statistics.

We admit it is difficult to evaluate a law that has not been properly implemented, and at best, it is impossible to measure the outcomes for children with disabilities when they are not receiving all the services that are required by law and that are necessary for their complete development.

However, it is critical not to overlook what little we do know about IDEA and the outcomes that have been assessed. The recently released SRI International Longitudinal Study of special education students, as required under IDEA, covers 9 years of research included 8,000 students ages 13-21 who were followed for a five year period. The most important fact SRI reported that must be continually emphasized was that all children with disabilities are unique, even within the same disability category, and that each child has different special education needs.

The study showed students with disabilities who failed courses tended to drop out of school. Significant influences on course failure included reading below grade level, missing school, experiencing failure previously, and preforming poorly on school related tasks. The likelihood of failure was higher among students who spent more time in regular education academic classes and who had not participated in work experience programs.

It was also found that students with disabilities participating in special education had better grades than those participating in regular education classes. More than half (58%) who took regular education classes failed one or more classes over a four year period compared to a 15% failure rate for students who took special education classes. Students who failed courses at some point during high school were 15% more likely to drop out of school than their peers who did not.

SRI reported that the current percentage of services received from schools among youth reported to be in need also reveals a necessity to expand, not limit services. The percentage of children actually receiving services as opposed to those in need of services for vocational assistance is 36.5%, for life skills training is 26%, for tutoring, reading, interpreting is 25.4%, for personal counseling is 23.7%, and for physical therapy is 31.0%.

The facts on percentage of course failure by disability category of students placed in regular education classes verses special education classes is even more revealing. Children with learning disabilities in regular education failed a course 61.1% compared to 14.2% in special education; for children with emotional disturbance, the percentages are 74% compared with 22.7%; children with sensory impairments is 55% compared to 8.5%; children with mental retardation is 47% in regular education compared to 19% in special education, children with visual impairments is 49.9% compared with 8.6%; for children who are hard of hearing the percentage is 50.8 compared with 9.4%; children with deafness is 36.6% compared with 19.7% in special education, orthopedically impaired children is 45.3% compared with 9.7%; children with other health impairments failed courses in regular education 65% compared with 10% in special education; and children with multiple disabilities failed a course 32% compared to 34.2%.

Mary Wagner, Director of NLTS made the point very clear when she commented on the above findings by saying that special education students just don't do well in the regular classroom - they find it a really tough place to be. When Ms. Wagner was asked if supplemental services were factored into these statistics, she responded that it didn't seem to have any affect on the outcomes reported.

Another interesting fact that was discovered during this study was the rate at which youth with disabilities resided in correctional facilities increased from fewer than 1% of youth out of school up to 2 years to almost 3% 3 years later. Rates were the highest for youth with serious emotional disturbance. Ten percent were incarcerated or lived in drug treatment centers, shelters for the homeless or similar settings. Arrest rates increased over time with 19% arrested 2 years out of high school to 30% arrested 3 years out of high school. These startling statistics bring to mind the old adage, the cost of doing it right the first time is much less than the cost of doing it wrong.

The data provided through the SRI Study, although inconclusive, doesn't appear to indicate that limiting services to children with disabilities will improve outcomes or make IDEA work better. Instead it appears to be just the opposite. Services provided under FAPE need to be expanded and strengthened to truly meet each child's unique needs.

We cannot afford to allow the continued promotion of unsubstantiated policies that do not carry out the intent of the IDEA. Policies that tend to limit or eliminate a continuum of alternative placements and services that can appropriately address the individual needs of children with disabilities cannot possibly be in the best interest of our children. Although the intent of IDEA was to first ensure a FAPE was delivered in accordance with a child's IEP in the least restrictive environment, in recent years it has come to be interpreted as placement first, FAPE second, and IEP last. Obviously, this view of the IDEA requirements serves to advance, not alleviate, the problems that exist within the system.

Part H is a unique piece of IDEA due to its comprehensive view of the needs of infants and toddlers at risk of becoming and/or developmentally delayed/disabled and their families. Now that the States have experience with the implementation of Part H there are some glaring problems.

In some States, prior to the enactment of Part H, programs and services were provided to infants and toddlers with developmental delays or disabilities and their families.

Post-enactment, the legislation was used to dismantle systems, save dollars and provide less under the guise of compliance with Federal law. We are recommending the need for a "maintenance of effort" provision in the Federal law. We feel this is needed in both the areas of eligibility and programmatic criteria. In New York State, for example, the Early Intervention System has experienced a funding drop even though we know there are more infants being born with drug addiction, HIV, low birth weight, congenital anomalies, etc. More infants and toddlers are experiencing homelessness, malnutrition, hunger, lead exposure and economic deprivation.

Strengthening of the transition language is needed. Children are encountering gaps in service provision because of convoluted, bifurcated systems that exist in States between the Part H - Early Intervention 0-3, and Part B - Preschool 3-5 legislation. Children identified as developmentally delayed under one system may be determined ineligible as they transition into the next system. Families are forced to negotiate the two systems at a critical time of development for the child with a disability. The transition needs to be fluid and responsive to the child's and family's needs.

Appropriate preservice, inservice, and training to work with the infants and toddlers with disabilities population is sorely lacking. A comprehensive system of personnel development across all disciplines is warranted and needs to be implemented.

The Federal regulations need to further clarify, define and provide guidance on private funding sources, especially with respect to safeguards for a family's financial resources. Safeguards need to be strengthened with regard to insurers and the parameters they can impose. For example, electing not to renew an individual or firm's policy, imposing significantly higher premiums, reduced coverage, and/or extended exclusions on pre-existing conditions is intolerable.

Many of the issues that were raised in your request for comments may partially be addressed by fully implementing the law and ensuring that a continuum of alternative placements and services is truly available to serve all children with disabilities. Issues surrounding over identification and misidentification of children, accountability and outcomes, and the correct method for appropriately including children with special needs in the regular classroom can be improved by enforcing the law and ensuring that it is implemented correctly.

We must ensure that States implement procedures for providing FAPE to all children with disabilities, monitor to identify deficiencies and ensure correction, develop IEPs that include the required information, and ensure that the educational placement of each child with a disability is based on his or her IEP. As stated previously, the fourteen states that were monitored last year are deficient in these areas. The system cannot work for children with disabilities and their families unless IDEA is implemented correctly and thoroughly.

It is for this reason that we ask for your assistance in ensuring that a continuum of alternative placements and services is maintained and strengthened when IDEA is reauthorized. We must insure that there will always be a continuum of services available that truly meets the individual needs of children with disabilities. To simply provide one option that is not appropriate for all children will be devastating. Amending part B and incorporating the regulatory language to ensure a continuum will provide the emphasis necessary to ensure that IDEA remains child, not placement, focused.

The regulatory language states: "a continuum must include instruction in regular classes, special classes, special schools, home instruction, instruction in hospitals, institutions, and make provisions

for supplemental services to be provided in conjunction with regular class placement." Incorporating the regulatory language clearly stating the requirements for a continuum of alternative placements and services will help to ensure that special education remains "child focused" and that the child's individual needs are given top priority and not the child's placement.

It will also prevent regulatory changes from diluting and or eliminating children's special education alternatives, because it will be clearly stated in IDEA. This language emphasizes that a continuum of alternative placements and services will remain available and required regardless of outside influences, monetary constraints, or political reorganization. This amendment will protect the rights of children under IDEA, without which they are continuously in jeopardy.

NAPSEC feels the continuum should be viewed as a circle of alternative placements and services that surround every child with a disability. Each child is able to access the individual services he / she needs at critical points in his / her life. These individual services give children the foundation necessary to establish and cultivate the skills required to allow them to realize their maximum potential and independence as children and adults. This cannot be accomplished through a "one size fits all" approach. We urge you to keep the INDIVIDUAL in IDEA by ensuring that the continuum of alternative placements and services is strengthened - not diluted when IDEA is reauthorized.

Again, thank you for the opportunity to testify on this critical issue.

CURRENT OR DRAFT LANGUAGE	SUGGESTED CHANGE	RATIONALE
Sec. 1412 ***Eligibility requirements*** *(5) The State has established (A) procedural safeguards as required by section 1415 of this title, (B) procedures to assure that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily, and (C) procedures to assure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of children with disabilities will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child.*	*Sec. 1412* ***Eligibility requirements*** *(5) The State has established (A) procedural safeguards as required by section 1415 of this title (B) procedures to assure that each public agency shall insure a continuum of alternative placement is available to meet the needs of children with disabilities for special education and related services. A continuum must include instruction in regular classes, special classes, special schools, home instruction, instruction in hospitals, institutions, and make provisions for supplemental services to be provided in conjunction with regular class placement. (C) procedures to assure that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily, and (D) procedures to assure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of children with disabilities will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child.*	*Incorporating the regulatory language clearly stating the requirements for a continuum of alternative placements and services will help to ensure that special education remains "child focused" and the child's individual needs are given top priority and not where the child is placed. It will also prevent any changes that may impact regulatory language from limiting and/or eliminating children's special education alternatives. This language emphasizes that a continuum of alternative placements and services is available and will remain available regardless of outside influences, monetary constraints, or political reorganization. It protects children's rights under IDEA without which they are continually in jeopardy.* *The selected placement of this language in Sec. 1412 (5) (B) emphasizes FAPE, LRE and the individual needs of children with disabilities without diluting the intent of IDEA. It requires States to make a continuum of alternative placements and services available to children with disabilities and in (C) requires that to the maximum extent appropriate, including children in public or private institutions or other care facilities, are educated with children who are not disabled.*

BEST COPY AVAILABLE

Chairman OWENS. Thank you. Dr. Morra.

Dr. MORRA. Thank you for asking us here today to discuss the work we are conducting for you on inclusion. You asked us specifically to consider three questions:

First. When States include students with disabilities in reform efforts, how are the special needs of these students addressed;

Second. Do parents and teachers believe the needs of students with disabilities are met by inclusion programs; and

Third. Do the approaches differ by the severity of the condition?

To answer these questions, we visited model districts in California, Kentucky, New York, and Vermont, considered leaders in education reform. All are grappling with inclusion. Within each district, we visited elementary schools, observed students, and spoke with administrators, instructional staff, students, and parents.

In brief, we found that inclusion programs can work but they take tremendous effort and considerable resources. The necessary levels of effort and resources may not be possible for many districts.

A number of educators and parents we talked with gave the following advice to districts attempting inclusion: "Go slow." Let me expand.

In the districts we visited, parents, staff, and State officials perceived that the success of inclusion depends on creating and maintaining four key conditions:

1. A collaborative learning environment;

2. Natural proportions of students with disabilities in their local education setting;

3. Adequate support, including large numbers of aids and training the classroom teachers; and

4. A philosophical reorientation, defining special education as a service, rather than as a place.

When any one of these key conditions was unmet, inclusion programs were affected negatively. For example, Johnson City had successful inclusion programs going on for about six years. However, we were told that, after the district was featured on national TV last year, 60 students with severe disabilities moved into the district, creating an unnatural proportion of severely disabled students that overwhelmed the district's resources.

Inclusion relies on special and general education professionals working together to produce a school environment that works for all students. One goal of such collaboration is to provide the general education teacher needed assistance in modifying class lessons for students with disabilities.

This requires joint planning by general and special education staff. The ability to do joint planning on a regular basis is dependent, in part, on levels of support.

In some districts, where a large percentage of students were in inclusion programs, parents and school officials told us that schools had a number of special education staff at the school for the entire day. This accessibility enabled collaboration between the special education teachers and the general education teachers on a daily basis as it was needed.

On the other hand, in another district, the general teachers did not have access to the daily consultation they believed they needed because the special education teachers were overburdened, responsible for many students at numerous different schools.

Vermont districts included 83 percent of their students with disabilities in general education classes. California districts included less than 5 percent. Vermont districts had several trained special education teachers in each school as well as many aides. It was not unusual to see three or four adults working with a class of 25.

In contrast, the San Diego school district had an itinerant special education teacher working with 15 severely disabled students at 12 schools scattered across a broad geographic area.

Chairman OWENS. One itinerant teacher?

Dr. MORRA. Yes, one itinerant teacher.

In spite of these challenges, those we spoke with—parents of students with disabilities, parents of non-disabled students, teachers, and administrators—were generally positive. They were in favor of inclusion because of the positive effects that they observed for the disabled students, their non-disabled classmates, and school staff.

They saw inclusion as giving disabled students the opportunity to have good peer role models and be exposed to a broad curriculum. They believed non-disabled students had generally accepted their classmates with disabilities and become more compassionate, more helpful, and more friendly in relating to the disabled students.

The greatest gains for the disabled students, we were told, have been in the areas of social interaction, language development, appropriate behavior, and self-esteem. Academic progress was also sometimes noted.

District and school staff believe that placement in an inclusion program should depend on the individual needs of the disabled student and not on the severity or the type of the disabling condition. Although many severely disabled students are successfully placed in inclusion programs, people we talked to agreed that inclusion is not for all disabled students.

All districts are struggling with the challenges of meeting the needs of some severely emotionally disturbed students who disrupt classrooms and some students with learning disabilities who may need a more highly-focused, less-distracting learning environment than that presented by the regular education classroom.

Parents and teachers expressed great concern over the possibility of districts or States making across-the-board decisions for whole categories of students with disabilities without reference to their individual needs.

Views on the costs of inclusion varied. Some district officials have reported savings from inclusion programs because the programs eliminate the transportation costs of busing the students to special schools outside of their neighborhoods.

Other district officials stated that inclusion programs could be more expensive to administer because adequate support service and materials have to be available at many schools rather than concentrated in one school. However, in Vermont, officials estimate that the costs remained about the same. We will be studying this issue for you in more depth.

Our discussions on inclusion surfaced questions that remain unanswered concerning funding, access, equity, and the Federal role.

For example, questions on funding arose, such as: As districts create entirely new ways of serving all students, what happens to special education funding? What kinds of funding formulas produce the best inclusion programs?

On access and equity, we heard questions such as: What if a student with disabilities wants to participate in one of the new charter schools? How would that work?

As to the Federal role, we heard questions such as: To what extent should the Federal Government be involved in funding staff development programs for all teachers involved in inclusion?

With these unanswered questions, unclear cost implications, and the difficulty of creating key conditions necessary for successful programs, it is understandable why the people we spoke to said, "Go slow." It appears that inclusion programs can work for some children but they must be implemented carefully.

Mr. Chairman, that concludes my prepared statement. At this time, I would be happy to answer any questions you or other members of the subcommittee have.

[The prepared statement of Dr. Linda G. Morra follows:]

SUMMARY OF TESTIMONY BY LINDA G. MORRA
SPECIAL EDUCATION REFORM:
DISTRICTS GRAPPLE WITH INCLUSION PROGRAMS

INCLUSION PROGRAMS CAN WORK, BUT TAKE TREMENDOUS EFFORT AND CONSIDERABLE RESOURCES

In an inclusion program, a student--no matter what disability he or she may have--attend his or her home school with age and grade peers and receives in-school education services, with appropriate support in the general education classroom. We found the districts we visited in California, Kentucky, New York, and Vermont that embarked on education reform early had created an atmosphere where inclusion programs could grow and flourish. Many educators and parents we talked with gave one piece of advice to districts attempting inclusion programs: Go slow.

KEY CONDITIONS FOR ADDRESSING NEEDS OF STUDENTS WITH DISABILITIES

Parents, staff, and state officials perceived that the success of inclusion programs depends on attention being paid to creating and maintaining several key conditions: (1) a collaborative learning environment, (2) natural proportions of disabled students in their local education setting, (3) adequate support--including large numbers of aides and training--for classroom teachers, and (4) a philosophical reorientation--defining special education as a service, rather than a place.

PARENTS AND TEACHERS GENERALLY SUPPORTIVE OF INCLUSION

For students with disabilities, having good peer role models and being exposed to a broad curriculum led to perceived gains in the areas of social interaction, language development, appropriate behavior, and self-esteem. Academic progress was also noted. For the non-disabled students, parents and teachers perceived them becoming, generally, more compassionate, more helpful, and more friendly in relating to the disabled students.

INCLUSION NOT FOR ALL STUDENTS

We found placement in an inclusion program depends on the individual needs of the student and not on the severity or type of disabling condition. However, all districts are struggling with the challenges of meeting the needs of (1) severely emotionally disturbed students who disrupt classrooms and (2)students with learning disabilities who may need a more highly focused, less distracting learning environment than that presented by the general education classroom.

MAJOR QUESTIONS REMAIN UNANSWERED

Major questions remain unanswered involving funding, access, equity, and the federal role.

Mr. Chairman and Members of the Subcommittee:

Thank you for asking us here today to discuss our work on inclusion programs. In an inclusion program, sometimes called a "full"-inclusion program, all students, no matter what disabilities they may have, are taught in a general education classroom. In such a program, a disabled student attends his or her home school with age and grade peers and, to the maximum extent possible, receives in-school educational services in the general education classroom.

Inclusion programs have been the response of some districts to meeting the needs of children with disabilities under education reform and the national Goals 2000 initiative[1] which set high standards for all children. If inclusion programs become widespread, the 3.2 million students with disabilities who are assigned to segregated special education classrooms could be affected. Whether or not this is a good idea makes this issue in special education one of the most hotly debated, high-visibility issues in the education of students with disabilities.

You asked us to review special education as it relates to our earlier work on education reform efforts.[2] You wanted us to

---

[1]Goals 2000: Educate America Act of 1994.

[2]Systemwide Education Reform: Federal Leadership Could Facilitate District-Level Efforts (GAO/HRD-93-97, Apr. 30,1993) and Regulatory Flexibility in Schools: What Happens When Schools Are Allowed to Change

focus particularly on models for elementary schools. Specifically, you asked us to answer these questions: When states include students with disabilities in reform efforts, how are the special needs of these students addressed? Do parents and teachers believe the needs of students with disabilities are met by inclusion programs? Do the approaches differ by severity of disabilities? In addition, we found information on other areas, including how progress is measured; costs; and major legal, administrative, and policy issues.

To determine how disabled students are included in education reform efforts, we spoke with experts in academia, government and interest groups, Department of Education officials, and visited districts[1] in California, Kentucky, New York, and Vermont, considered leaders in education reform. These districts are all grappling with inclusion programs. In each state, we talked with state officials and asked them which districts had model inclusion programs. Our assumption was that the challenges faced in these model districts would be the minimum faced by any district. In addition, model programs might also provide insights into what other districts needed to do to implement their programs successfully. Within each district, we visited elementary schools.

---

the Rules? (GAO/HEHS-94-102, Apr. 28, 1994).

[1]San Diego and Napa, California; Burlington, South Burlington, Winooski, Barre, Montpelier, and Morrisville, Vermont; Johnson City, New York; Kenton, Jessamine and Boone Counties, Kentucky.

2

In addition to observing students in these schools, we spoke, either in groups or individually, with their administrators, instructional staff, students, and parents. We also incorporated related information gathered for other GAO work on education reform.

In summary, we found that inclusion programs can work, but they take tremendous effort and considerable resources. Some of those with whom we talked--parents of students with disabilities, parents of nondisabled students, teachers, and administrators--were generally supportive of these programs because of the positive effects observed for the students with disabilities, their nondisabled classmates, and school staff. But the necessary levels of effort and resources may not be possible for many districts. A number of educators and parents we talked with gave the following advice to districts attempting inclusion programs: Go slow. Let me explain why.

BACKGROUND

Inclusion, Mainstreaming, and the Federal Role

Inclusion programs are the least restrictive environment on the continuum of services described in the Individuals with Disabilities Education Act (IDEA). These environments range from residential schools, on the most restrictive end of the continuum, to the general education classroom, on the least restrictive end.

Inclusion programs differ from mainstreaming, which usually means that a student receives instruction in a separate classroom for the disabled, but participates in some specific activities within the general education classroom. Such a student is considered primarily a member of the traditional special education classroom and the responsibility of the special education teacher.[4] In inclusion programs, however, the general education teacher is responsible for the education of all of his or her students, and the teacher needs adequate support to make education work for everyone in the class.

To help provide this support, the Department of Education plays an important role for inclusion programs, as it does for other education programs for students with disabilities. The Department's fiscal year 1994 estimated budget for special education was for $3 billion, but it accounted for only about 8 percent of the total cost of educating individuals with disabilities. The Department's Office of Special Education Programs (OSEP) provides financial and technical assistance to states and districts in designing and establishing inclusion programs, as well as in monitoring program quality. This office administers the Systems Change Grants program, which allocates funding to help states build, in ways that fit their particular circumstances, their capacity to deliver effective services and

---

[4]"Inclusion: A New Service Delivery Model, San Diego City Schools, Stock No. 41-7-0100 (San Diego, Calif.: 1992-93).

achieve program improvements. One way is through inclusion programs. Eighteen states--including California, Kentucky, New York, and Vermont--are currently receiving $4.4 million in inclusion program grants.

Parents, Some District Officials, and Courts Lead Movement for Inclusion

In the districts we visited, education reform[1] had, as its starting point, a philosophy of education and high standards for all students. Kentucky included students with disabilities from the beginning of its education reform efforts. Other states did not, despite using words like "all students" in their statements of philosophy. Many parents pushed for inclusive education, which they felt was better for their children socially and academically. Some parents of students with disabilities saw the word "all" and took it to encompass their children as well. Some were parents of students with severe disabilities who had been in segregated classrooms and schools. Some were parents of students with

[1]For further information on education reform see, for example, Systemwide Education Reform: Federal Leadership Could Facilitate District-Level Efforts (GAO/HRD-93-97, Apr. 30, 1993) and Marshall S. Smith and Jennifer O'Day, "Systemic School Reform," Politics of Education Association Yearbook 1990, pp. 233-67. As defined by Smith and O'Day, systemic reform involves not only the key components of the system, but all levels of the education system--national, state, district, and school. Systemic reform sets high standards for all students, allows substantial flexibility for teachers, and holds the system accountable for student outcomes relative to the standards.

disabilities who were spending some time in general education classrooms under mainstreaming provisions. These parents felt that as long as their children were segregated or only visitors to the general education classroom, they would be isolated from the community; have no role models among their peers for normal, socially acceptable behaviors; and be excluded from exposure to the richness of the curriculum and all of what could be learned in a general education classroom.

These parents were not the only ones with this perception. Some districts officials, like those in Johnson City, began--as a district decision--to bring back their disabled students from segregated classes. These officials saw that their treatment of disabled students was at odds with their general philosophy of education.

In other districts, court cases drove the movement for inclusion programs. Courts have held that schools which receive federal funds under IDEA must provide free appropriate public education to students with disabilities. This requirement has been interpreted by the courts as a preference for the least restrictive environment. The schools must therefore to make sure that a student with disabilities is in such an environment. This means that a school must make sufficient efforts to meet the student's needs in a general education classroom. If such a classroom cannot meet the student's needs, then, and only then, can the school place

the student in a segregated special education class. In evaluating whether a school has made sufficient efforts to accommodate students with disabilities, the courts have been weighing first, the potential academic progress to be achieved by the student with disabilities; second, the possible negative effect the inclusion of such a student with disabilities might have on the education of other students in the regular classroom; and, third, those unique benefits the student with disabilities may obtain from integration in a regular classroom, such as potential social benefit, stimulation of linguistic development, or appropriate role models provided by classmates. In one case the courts have concluded that lack of sufficient support and services could be the reason for a student's behavior problems--the reason the school wanted a segregated placement originally![7]

However, not everyone is an advocate of inclusion. The right to a free appropriate special education was only guaranteed about 17 years ago. Some parents and special education experts are suspicious of a change in the basic presumption that students with special needs should be in special classes. Some parents, teachers, special education staff have warned that school systems may want to adopt inclusion as a way to save money, without regard to the appropriateness of inclusion programs to meet the needs of

---

[7]Board of Education, Sacramento City Unified School District v. Holland, 786 F. Supp. 874 (E. D. Cal. 1992), aff'd, No. 92-15608, slip op. (9th Cir. March 1993); Oberti v. Board of Education of the Borough of Clementon School District, 789 F. Supp. 1322 (D. N. J. 1992), aff'd, 995 F. 2nd 1204 (3rd. Cir. 1993).

7

specific students or providing teachers the necessary resources and training to make these programs work.

KEY CONDITIONS FOR ADDRESSING THE NEEDS OF STUDENTS WITH DISABILITIES

In the districts we visited, parents, staff, and state officials perceived that the success of inclusion programs depends on attention being paid to creating and maintaining several key conditions: (1) a collaborative learning environment, (2) "natural proportions" of students with disabilities in their local education setting, (3) adequate support--including large numbers of aides and training--for classroom teachers, and (4) a philosophical reorientation--defining special education as a service, rather than a place. When any one of these key conditions was unmet, inclusion programs were affected negatively. For example, Johnson City had successful inclusion programs going for 6 years. However, district officials told us that after the district was featured on national television last year, 60 students with severe disabilities moved into the district, creating an "unnatural" proportion of severely disabled students that has overwhelmed the district's resources.

Collaborative Learning Environments

That is, the number of disabled students, on the basis of geography and demographic expectations, who would normally be going to a school.

An inclusion program relies on special education and general education professionals working together to produce a total school environment that works for all students. One goal of collaboration is to provide the general education teacher needed assistance in modifying a class lesson for a student with disabilities. Modifications might take different forms, depending on the needs of the students. Let us take as an example a sixth-grade math class studying a geometry lesson with story problems. If there is a wide discrepancy between the cognitive abilities of the disabled student and the level at which the class is working, the curriculum could be modified so that the disabled student could learn something about the topic being covered at his or her own level: for example, a student who was functioning on the kindergarten level in this sixth-grade class, might work on identifying triangular objects and counting the number of sides and angles of a triangle. Another student, with a severe reading disability but above-average intelligence, might listen to a tape of the same story problems assigned to the class and be required to do the math like the other students.

Another aspect of collaborative learning environments is joint planning by general and special education staff. The ability to do joint planning on a regular basis is dependent, in part, on levels of support. In some districts, where a large percentage of students were in inclusion programs, parents and school officials said, schools had a number of special education staff at the

schools for the entire day. This accessibility enabled collaboration between the special education teachers and the general education teachers on a daily basis, if needed. On the other hand, at one district, the general education teachers did not have access to the daily consultation support they believed they needed because the special education teachers were overburdened and responsible for many students at numerous different schools.

Yet another aspect of collaborative learning is that between parents and the teaching staff. Some parents told us of the need, at times, to take a more active part than usual in the Individualized Education Program (IEP)[1] team or to act as an expert resource for teachers. For example, one parent worked collaboratively with her child's teacher, spending hours every night adapting materials for her child for the next day's lessons, because there was not enough staff to do the necessary adaptation.

Levels of Support

The percentage of students with disabilities served in inclusion programs varied enormously, although the districts we visited were similar in their philosophy and commitment to inclusion. Variations in resources available for support--particularly from aides and special education teachers--can affect

[1]The Individuals with Disabilities Education Act requires that every identified student with disabilities have an individual education plan developed specifically for him or her. The act also requires that the plan be developed according to specified criteria and adhere to specified due process procedures.

how many students can be in inclusion programs. When there is much support, a large percentage of students can be placed in such programs. For example, Vermont districts included 83 percent of its students with disabilities in general education classes. California districts included less than five percent. Vermont districts, as well as Kentucky districts and Johnson City, New York, had several trained special education teachers in each school, as well as many aides; it was not unusual to see three or four adults working with a class of 25. In contrast, the San Diego school district had an itinerant special education teacher working with 15 severely disabled students at 12 schools scattered across a broad geographic area.

The amount of support affects not only the percentage of students in inclusion programs, but the ability to handle students with behavioral problems. Adequate support makes the difference between difficult-but-quite-manageable problems and "impossible" problems. For example, one fifth-grade teacher stated that inclusion was stressful for her because a student had severe behavioral problems and she, the teacher, only had a part-time aide. If she had a full-time aide, she said, the aide would be able to assist when the student acts out and allow the teacher to keep the rest of the class on track. Without the aide, the teacher must focus her attention on the student who is acting out, to the detriment of the rest of the class.

11

The inclusion programs we visited developed naturally out of school reform efforts. But most school districts cannot as yet supply the key conditions, such as a collaborative learning environment. In such states, interestingly enough, the impetus to expand inclusion programs for students with disabilities would now drive the education reform efforts, some educators we spoke to felt.

PARENTS AND TEACHERS GENERALLY SUPPORTIVE OF INCLUSION

In spite of the challenges and huge effort needed to implement inclusion programs well, those we spoke with--parents of students with disabilities, parents of nondisabled students, teachers, and administrators--were generally in favor of inclusion programs because of the positive effects observed for the disabled students, their nondisabled classmates, and school staff. Inclusion gives disabled students the opportunity to have good peer role models and be exposed to a broad curriculum. The nondisabled students had generally accepted their classmates with disabilities, those we spoke with noted. The nondisabled became more compassionate, more helpful, and more friendly in relating to the disabled students.

The greatest gains for the disabled students, parents and teachers stated, have been in the areas of social interaction, language development, appropriate behavior, and self-esteem.

According to some parents and teachers, students with disabilities have also made some academic progress. One parent was initially told by psychologists that her severely learning disabled daughter would never be able to function in a general education classroom. The school placed the daughter in a self-contained classroom, mainstreamed only for music, gym, and lunch. However, after her family moved, she went to a new school where she was placed in a general education classroom. Not only did she do well academically, but her self-esteem improved dramatically. She participated in school activities and even ran for student council treasurer. She was not afraid to take risks--something that never would have happened, her family thought--had she remained in a self-contained classroom.

INCLUSION PROGRAMS DO NOT MEET THE NEEDS OF ALL STUDENTS WITH DISABILITIES

Placement in an inclusion program, district and school staff said, depends on the individual needs of the disabled student and not on the severity or type of disabling condition. Although many severely disabled students are successfully placed in inclusion programs, people we talked to agreed that inclusion programs are not for all disabled students. For example, a parent of a severely disabled child was dissatisfied that his son was recently enrolled in a general education classroom at a neighborhood middle school. He stated that his son was not gaining

any benefit, either socially or academically, by being at this school. In fact, it has been a detrimental experience because the other children taunt his son. Previously, his son was at a separate school for students with severe disabilities. The parent wants his son back in a special school, but both special schools in that district were closed after the district placed the students with severe disabilities in neighborhood schools.

In addition, all districts are struggling with the challenges of meeting the needs of both severely emotionally disturbed students who disrupt classrooms and students with learning disabilities who may need a more highly focused, less distracting learning environment than that presented by the general education classroom. Students with emotional and behavioral disorders, many school officials stated, are the most difficult to include in a general education classroom because their behavior can be disruptive to the class.

Parents also share this concern. For example, one parent said that her child, with a psychotic disorder and severe retardation, has always been placed in a self-contained class. According to this parent, her child should never be placed in a general education classroom because of the child's violent behavior--pinching, biting, and throwing things. More broadly, parents and teachers have expressed great concern over the possibility of districts or states making across-the-board

BEST COPY AVAILABLE

decisions for whole categories of students with disabilities, without reference to individual needs. For example, despite the concerns of school officials and parents, the San Diego School District has mandated that all learning disabled students will attend their neighborhood schools for the next school year (1994-95).

ASSESSMENTS AND COSTS: DISTRICTS GRAPPLING WITH BOTH ISSUES

Education reform, as articulated in Goals 2000, must include definitions of educational goals, standards for student achievement, and performance-based assessments, which would determine if students meet the standards. Currently, voluntary national standards are being developed and some districts and states are developing their own. This is true of the districts we went to. Even in subject areas where standards have already been defined there is a debate: Should there be only one acceptable performance standard for a grade or subject area? Should standards vary depending on individual student needs?

Most districts and states we visited--except Kentucky--are still attempting to develop standards and performance-based assessments. Consequently, there are no standards yet to compare with a student's IEP. These districts and states varied in the extent to which they included students with disabilities in current state assessments. Some of this variation is due to state

83-885 O - 94 - 4

assessment policy. For example, Kentucky mandates state testing for all but the most disabled, except for homebound and hospital-bound students. But New York specifically exempts disabled students from this testing.

Views on the costs of inclusion programs also vary. Although our study has not yet systematically compared the costs of inclusion programs with the costs for traditional special education classrooms, we have found some cost-related information and can share with you several preliminary observations. Administrators in districts that have implemented inclusion programs have different views on the costs. Some say they save money, some say they spend more, and others say the costs are about the same.

Some district officials have reported savings from inclusion programs because the programs eliminate the transportation costs of busing students to special schools, outside their neighborhoods. Other district officials stated that inclusion programs could be more expensive to administer because adequate support services and materials have to be available at many schools, rather than concentrated at one. However, in Vermont, officials estimate that the costs remained about the same.

MAJOR LEGAL, ADMINISTRATIVE, AND POLICY ISSUES SURFACED

In our discussions with school officials, academicians, parents, teachers, and policy analysts, major legal, administrative, and policy issues related to the education of disabled students, surfaced particularly as to funding, access, equity, and the federal role.

(1) Funding: As districts create entirely new ways of serving all students, what happens to special education funding? Can funds be commingled with Chapter 1[9] and other funding? Who is responsible for providing special education services? What kinds of funding formulas produce the best inclusion programs? In states like Minnesota, experimental charter schools[10] are legally separate from local school districts, but must rely on them for a portion of funding. Vermont found it had to redo the state funding formula so that it did not favor segregated placements.

(2) Access and equity: What if a student with disabilities wants to participate in one of the new charter schools? Does such a student access--with appropriate support--to all charter schools? Conversely, what about a special education charter school that is designed for a specific population of students with disabilities?

---

[9]The federal program to help economically disadvantaged students.

[10]Charter schools take many different forms. In it's "purest" form, a charter school is an autonomous entity that operates on the basis of a charter, or contract, between the individual or group (e. g., teachers, parents, others) which organizes the school and its sponsor (e. g., a local school board, county or state board). They are generally given freedom from government requirements and held accountable for student outcomes.

(3) Federal role: What do we do with federal funding formulas and other regulations that are categorical and may work against education reform and inclusion programs? What form should federal technical assistance take? To what extent should the federal government be funding staff development programs for all teachers of inclusion programs? Will the federal government allow state and local administrators to pool teacher training funds, or must these funds also remain categorical? What role does the federal government play in creating standards and assessments?

CONCLUSIONS

With all these unanswered questions, unknown cost implications, lack of standards and assessments, and the difficulty of creating key conditions necessary for successful improvement programs, it is understandable why the people we spoke with said "Go slow." Our study shows that the relationship between special education inclusion programs and education reform is a reciprocal one. Those districts that embarked on education reform early are creating educational systems that respond to the diverse learning needs of all their students. But for those school districts facing the challenges of education reform, increasing violence, teen pregnancy, non-English speaking populations, family disintegration, and decreasing resources, implementing inclusion programs will be particularly difficult. As I said at the start of this testimony,

it appears that inclusion programs can work for some children, but they must be implemented carefully

- - - -

Mr. Chairman, that concludes my prepared statement. At this time, I will be happy to answer any questions you or other members of the Subcommittee may have.

19

Chairman OWENS. Thank you. Mr. Chase.

Mr. CHASE. Thank you, Mr. Chairman. Mr. Chairman, and members of the subcommittee, I am Robert Chase, Vice President of the National Education Association. I certainly appreciate this opportunity to speak with you today on the issue of inclusion of students with disabilities.

America's public schools have made tremendous progress over the past two decades in providing quality educational opportunities for students with physical and/or learning disabilities. As in many areas, public schools have led the way for the rest of the Nation. Where once people with disabilities were shunted aside, they are increasingly welcome participants in our society and in our economy.

Yet, this responsibility includes many challenges. More than any facet of our Nation's education policy, the Individuals With Disabilities Education Act recognizes that each individual is unique. NEA members—teachers, nurses, aides, secretaries, bus drivers, and other public school staff—meet the challenge each day of adapting to their varying needs and to their common humanity.

For more than a year,I have had the opportunity to work with a committee of our members who work with individuals with disabilities in an effort to address the issue of inclusion of students with disabilities in regular education settings.

We are far from having a ready solution to all of the difficulties but I would like to share with you some understandings that we have reached. They are certainly not too different from some of the comments that have already been made.

First of all, we want to make it clear that NEA supports and encourages appropriate inclusion in America's public schools.

Public school districts must be provided with the resources to provide a full continuum of placement options and services to meet the needs of students with disabilities in the community. Decisions about placement and services must be determined for each student by a team of stakeholders, including parents, teachers, and school health professionals, and be specified in an Individual Education Program (IEP).

Professional development, as part of normal work activity, of all educators and support staff associated with such programs, must be provided. Additional training must be provided for administrators, parents, and students.

Teachers and other personnel must be provided adequate time as part of the normal school day to engage in coordinated and collaborative planning on behalf of all students in the class.

Class sizes must be responsive to student needs. The more the teachers must address unique and challenging needs of students, the smaller the class sizes must be.

Public schools must have qualified staff and technical assistance, including qualified health care and mental health professionals, to address the full range of student needs.

One overriding challenge characterizes all of the obstacles schools face in serving students with disabilities, and that is the lack of adequate resources. Students with disabilities represent about 12 percent of the total public school population but the cost

of serving these students is nearly twice the average per-pupil expenditure.

When Public Law 94–142 was enacted in 1974, Congress pledged to provide 40 percent of the excess costs of students with disabilities. In fact, the Federal Government has never provided more than 12 percent and today it provides only 7 percent.

I know that averages can be misleading. The fact is that for certain children with multiple disabilities—physical, learning, and emotional challenges—the per-pupil costs are astronomical. Since 1974, the costs of these program have risen sharply while enrollment of students with disabilities, in raw numbers and as a percentage of the school population, has grown steadily.

Any public school official will tell you that maintaining the Federal mandate to serve students with disabilities is perhaps the most intense fiscal strain on crafting a school budget. We believe, as I am sure that you do, Mr. Chairman, that serving these students is a moral and economic imperative but we must have a far greater Federal investment and financial commitment to carry out this imperative.

Serving students with disabilities illustrates the nexus between the policy and resources as well as any issue. Inclusion of students with disabilities, when such choices are made with the students' needs as the primary concern, is a positive force in today's public schools with benefits for students of all abilities, but inclusion as a means of economizing can have tragic consequences, including disruption of the essential mission of schools—teaching and learning.

No set of policies without the resources to support them can address the challenges of disruptions and threats to safety of medically fragile students without access to adequate health care services or of teaching students who perceive the world differently than you or I may.

Earlier this year, we addressed the subcommittee on the issue of comprehensive health care services and education. These programs have a special meaning for students with disabilities and the education employees who work with them. The provisions of comprehensive health care services to students with disabilities in the public schools is one clear way to improve the Individuals With Disabilities Education Act.

For many years, NEA has been concerned about the over-representation of minorities identified as being learning-disabled. On the one hand, I think we must review screening mechanisms, including standardized tests, to work to eliminate bias as to avoid misdiagnosis.

However, the fact remains that learning disabilities are often the results of living in poverty, low birth weight, poor nutrition, and lack of access to developmental child care. These are a few of the factors that can contribute to learning disabilities. We must fully address the human needs of American preschool and school-age children before we can totally achieve our goals in education.

Finally, while I do not have, nor do I claim to have, the answers for you today and I know there are no simple answers, I ask that you allow NEA to work with you to address issues related to the "stay put" rule. The issues of school safety are far different today

than they were 20 years ago and our policies should reflect that change.

We applaud the leadership of this committee in this critical area of national policy and we pledge to support you in your efforts to sustain progress and improve programs for students of all talents and of all abilities.

Again, thank you very much for giving us an opportunity to share our thoughts with you today.

[The prepared statement of Mr. Robert Chase follows:]

ROBERT CHASE

Mr Chairman and Members of the Subcommittee

I am Robert Chase, Vice President of the National Education Association, and I am pleased to be here to present the views of the Association on the matter of inclusive education on behalf of our more than two million members

NEA members have broad and diverse experiences in working with individuals with disabilities In addition to classroom teachers, NEA represents teachers' aides, secretaries, bus drivers, and others who interract with students with disabilities every day

The issue of inclusion for disadvantaged students is complex and frequently sensitive But setting and applying appropriate policies regarding education of individuals with disabilities is absolutely essential to fundamental national educational and social goals Already, two decades of experience with comprehensive education programs for individuals with disabilities has literally opened the doors to millions of Americans, making us a more just society and expanding our nation's economic and competitive potential And yet, as a practical matter not all students are always best served by learning together in one environment It is a recognition of that reality, and the complexity of choices it forces, that brings us here today

We should not lose sight of the benefits of inclusion for all students and for our society at large Effective teaching techniques used with special-needs students can provide models for overall school reform, and working to achieve appropriate inclusion policies can help advance systemic restructuring that better reflects the world and workplace of tomorrow Many schools are experiencing great success with inclusion policies, including exciting co-teaching efforts among special and regular educators These types of arrangments can lead to rich interchanges between teachers which improve teaching and learning in the classroom

Special educators are sensitized in their training to understand different ways students learn and to develop alternative instructional approaches One of the major themes of emerging and ongoing restructuring efforts which many schools are undertaking has been to alter school policies and practices in an effort to better enable students with different learning styles to flourish In this connection, the world of special education has a great deal to offer

How then can we define appropriate? Appropriate inclusion contributes to the breaking down of attitudinal and physical barriers that prevent individuals with disabilities from realizing their full potential Appropriate inclusion assures that communities share the benefits gained from the full participation of all Americans regardless of the limits or differences of their abilities

Landmark legislation passed by the Congress, such as the Education for All Handicapped Children Act -- now the Individuals with Disabilities Act (IDEA) -- and the Americans with Disabilities Act, has helped to bring about significant improvement in the opportunities available to individuals with disabilities in our society We salute you, Mr Chairman, and the other members of this Subcommittee and the House Education and Labor Committee who played powerful roles in securing the passage of these laws

The National Education Association is committed to equal educational opportunity, the highest quality education, and a safe learning environment for all students, including students with disabilities Over the past several months, NEA members with experience in these matters have worked together to develop recommendations for inclusion policies Based on those discussions,

we believe appropriate inclusion is characterized by practices and programs which provide for the following on a sustained basis

- A full continuum of placement options and services within each option Placement and services must be determined for each student by a team that includes all stakeholders and must be specified in the Individualized Education Program (IEP)
- Appropriate professional development, as part of normal work activity, of all educators and support staff associated with such programs Appropriate training must also be provided for administrators, parents, students and other stakeholders
- Adequate time, as part of the normal school day, to engage in coordinated and collaborative planning on behalf of all students
- Class sizes that are responsive to student needs
- Staff and technical assistance that is specifically appropriate to student and teacher needs

Inclusion practices and programs which lack these fundamental characteristics are inappropriate and must end

Unfortunately, inclusion efforts are too often not implemented appropriately When improperly carried out, inclusion efforts can and sometimes do lead to enormous frustration, pain, and anger on the part of everyone involved, including special and non-special needs students and their parents, the public, and, teachers and other school employees Ultimately, if the problems are not corrected, improperly carried out inclusion efforts carry the potential of driving away from the public schools parents of all students who believe, rightly or wrongly, that their children are not receiving and cannot receive an effective education because of what is happening and not happening in the classroom Policymakers and educators must genuinely listen to one another and learn from both the successes and the mistakes that have been made in carrying out inclusion efforts in the past

It has become clear that the concept of "full inclusion," by which we mean indiscriminate and sometimes wholesale placement of students with disabilities in regular classrooms, is not an appropriate or effective strategy Moreover, it is not consistent with the provisions of IDEA, which explicitly calls for individualized decisions for each student with a disability through individualized education plans

Why do wholesale "full inclusion" efforts take place? There are many reasons for this One of them relates to funding Although federal law does not prohibit IDEA-required "related services" from being provided for a special-needs student when that student moves into the regular classroom, it is sometimes interpreted in this way The result is that some students who have received related services in a non-inclusive setting do not receive them in the regular setting, even when they continue to need these services

This is a violation of IDEA which often has harmful consequences for all students and educators It creates attitudinal barriers to inclusion when educators support is not provided in the regular classroom When the "least restrictive environment" becomes equated with the "least

BEST COPY AVAILABLE

expensive environment," the commitment to IDEA programs erodes among policymakers, school employees, and parents of disabled and nondisabled students.

And yet, the intense pressures on local school budgets forced by static federal support for IDEA programs coupled with increasing costs and enrollment increases too often creates this competition for resources. Too many local school officials are faced with choosing which poor choice is best -- denying access to students and risking violation of the federal mandate for services or placing students in an environment which is not appropriate for them or their peers.

When P.L. 94-142 was enacted, Congress committed to funding 40 percent of the excess costs of educating students with disabilities. The level provided was never greater than 12 percent, and at present it is around 8 percent. For the current school year, the federal government provided less than $500 per pupil, while state and local governments must make up the difference of an average of $10,500 per pupil.

There is no ideal policy or decisions that can be made at the local level or enhance level of parental involvement or emphasis on standards that can get around the basic economics. Until the federal government funds its mandate, local school districts will continue to face these challenges. And they are likely to worsen before they improve.

In view of the severe limits which have been placed on discretionary domestic spending, we ask you support for greater allocations for Function 500 and resources in the appropriations bills that will help advance the policy goals this Subcommittee determines.

Federal law does not provide a financial incentive for an inclusive or non-inclusive placement. But many state laws do have the effective of providing additional resources to school districts for providing separate placements. Every effort should be made at the federal level to assure that local decisions are made on the needs of the students affected.

NEA has long been concerned about the overrepresentation of minority students identified as having learning disabilities. This identification can have profound and enduring effects on children since, once labeled as having a learning disability -- even when it is inaccurate -- it is extremely difficult to get out of the cycle of lowered expectations, academically and economically. We believe a close review of screening instruments, standardized tests in particular, should be made to assure they take into account the full range of different learning styles, as distinct from disabilities.

At the same time, we must recognize that minorities are also overrepresented among those living in poverty, and that poverty can create or exacerbate genuine learning disabilities. Low-birth weight, poor nutrition, and limited access to developmental child care, for example, put disadvantaged students behind the curve before they ever start to school. Addressing the primary needs of pre-school and school-aged youth can make an enormous difference in the success of individuals in school and beyond.

In many respects, IDEA programs are inextricably linked to health care policies. In particular, public schools need more resources to address the needs of "medically fragile children." IDEA requires the provision of "related services" for students with disabilities. At present, public schools do not have enough qualified school nurses to attend to their needs. Nationwide, there are some 30,000 school nurses, many of them working part-time at the school site, to serve 84,000 individual schools.

Earlier this year, we testified before this Subcommittee on the need for comprehensive school-based health care services and education. We know this is an issue of great concern to you, Mr. Chairman, and we pledge to work with you to assure that such programs are included as a part of the final health care reform package. These programs are a highly cost-effective way to provide children and youth with the health care services they need. And they are especially important for children with special health needs, including those with disabilities or emotional and/or behavioral problems.

One key reason why the issue of inclusion has become so charged in the education community and the media is the problem of disruption from students with behavioral problems. First, NEA members share with all Americans alarm about the growth of violence in the schools. But we must not confuse the challenges of inclusion with the need for comprehensive efforts to restore safety to schools and communities.

And yet, many incidents involving students with disabilities do occur that are threatening to education employees, and classroom teachers in particular. We believe the time has come to review the "stay put" rule that restores students with disabilities to the same class setting regardless of their behavior. The intersection of the "stay put" rule and the threat of violence in schools present a complex set of challenges for which there are no easy answers. We would like to work together with this Subcommittee over the next few months as it considers a balanced solution. Schools must retain the authority, in accordance with full due process protections, to reassign, suspend or expel students whose conduct is an obstacle to teaching and learning.

We look forward to future opportunities to work with you in pursuit of these goals and to share with you specific recommendations relating to the reauthorization of the IDEA in the coming months. We appreciate the opportunity to present before the Subcommittee on this issue and welcome any questions you may have at this time. Thank you.

Chairman OWENS. Thank you. Mr. Carlos Oberti.

Mr. OBERTI. Thank you, Mr. Chairman. Mr. Chairman, members of the committee, my name is Carlos A. Oberti and, as a United States citizen, it is an honor for me to be here today. My testimony is on behalf of TASH, the Association for Persons with Severe Handicaps, the ARC, and United Cerebral Palsy Associations.

These organizations and thousands of parents and educators they represent seek to have the promise of IDEA become a reality for all children by strict enforcement of the duty on States and school districts to educate children with disabilities together with non-disabled children and not remove them from the regular class environment without providing them with the supplementary aids and services they need.

We, the parents of children with disabilities that have had the longest amount of experience working with them from birth, know the way they learn. In my family's case, my son was growing and learning in a fully-inclusive environment until kindergarten when we hit the brick wall set up by an outdated system.

We found that the law is not being taken seriously and that, for children with severe cognitive and/or physical disabilities, the path is already written and decided—segregated classes, often very far from their hometown or, if pressed by parents, placement in the regular class with no supports.

The demands on a child with a disability are not so extraordinary when a group of knowledgeable professionals, together with the parents, have a genuine desire to do what is correct and meet to discuss the abilities, strengths, and special needs a child may have as they develop a fully supported inclusive educational plan.

The Individuals With Disabilities Education Act, which proclaims that all children with disabilities have the right to a free and appropriate education in the least restrictive environment, is very clear, and still, for too many years, the school bureaucrats have walked all over it. They feel that, based on an IQ score, they have the right to label, classify, and ship out children with disabilities to a distant segregated location.

Our son, Rafael A. Oberti, went through six different placements by the time he was seven years old and there would have been many more had we followed the "professional" recommendations. Looking back, our only regret is not having taken charge of the situation sooner than we did. Please remember his name, because he will succeed and he will make a great contribution in this world. Perhaps he already has, certainly in our lives.

When Rafael became school age, we had not even questioned the fact that he would attend his hometown school, five minutes from our home. In fact, we were convinced that fully supported inclusive education was the best for our son and had clearly indicated to the Child Study Team members that we hoped to have their support and in developing the necessary training and resources to include Rafael.

After many meetings and the lack of other possible placements, the school grudgingly admitted Rafael to a "Developmental Kindergarten." He made progress that year. He was learning letters, numbers, and colors, and he was happy to recognize neighborhood kids. They recognized him, too.

However, the school did not establish objectives for Rafael, did not have a well-thought-out teaching plan, nor did they have a behavior modification strategy. In fact, the teacher had not been involved in the decision to include Rafael and she only found out he would be in her class three days before the school year initiated.

Our son and the teacher were both thrown in a pool without knowing how to swim and no lifeguard on duty. There was not one special education consultant available to them for suggestions or assistance.

We requested an aide with a special education background. It took five months—almost until the end of the school year—to get one and then he was a helper from the cafeteria who came three times a week.

For the following year, they tried to build a case against having Rafael in Clementon again. We took all the reasonable steps. We visited many of the segregated options they suggested but, after visiting every single one and making a careful analysis, we came to the conclusion that they all looked more like institutions than educational placements for children.

About three weeks before school started, they found a special education program with possibilities for inclusion and promised that the hometown school would prepare, during that year, to get the necessary supports for Rafael to return the following year. We wanted to believe them. We wanted the placement to work. We wanted to be reasonable. We accepted.

He learned nothing. He did not want to go to school. He started wetting his bed—something he had long outgrown. Because of the distance of the school, we could not follow up on his progress or work closely with the teachers. There were no opportunities for inclusion. That was the drop that overflowed the glass. We went to due process.

For the record, we do not enjoy legal proceedings, but our son was at risk. At the State level, the whole process was filled with insulting, degrading remarks about Rafael and we were forced to go to Federal Court.

Although they put on a similar show there, Honorable Judge Gerry wrote an incredibly beautiful, honest, and well-thought-out opinion. That opinion is being used by parents all over the country as a friendly reminder to other school administrators that the law must not be ignored. It is benefiting many children today.

God and justice walk together. The school district appealed the decision and the Third Circuit Court of Appeals reaffirmed Judge Gerry's decision in our son's favor.

By this time, we had placed Rafael in a private school. We had been very blessed to find a school with the creativity and courage to take our son into their regular first grade, providing him with the full array of supports that he needed, without the resources available to public schools for special children.

In view of the Court's decision, we remain hopeful that the school district will adopt inclusion as their educational policy for students with disabilities. In the meantime, we have chosen to leave Rafael where he is welcome and successful. His siblings are also enrolled there so that they could all be in school together.

Rafael is making great scholastic progress in the school, where he has been 100 percent included for two years now. Time and time again, we observe how many ways inclusion works.

His reading and math continue to improve. He has been fully accepted as another student, not only in his class but in the school as a whole. He is emotionally well-balanced, sure of himself. He knows how to act in social situations, as you can see today. He has many friends who respect him. He has a best friend. He was recently recognized for his scholastic efforts.

As a family, we have benefited so much from having all of our children in the same school. We see them helping each other, communicating their classroom activities to us.

Rafael shares the common bond of school with his brother and sisters, which offers him a greater opportunity for encouraged speech and communication at home. We find it so disheartening and unjust that this kind of accepting environment has not been available to our family in the neighborhood public school.

I would like to give recognition and proper credit to Mr. Wellington Watts, II, the principal of Ambassador Christian Academy. As an administrator, he read the materials, attended conferences with his teachers, hired a teacher with a special education background, and increased the aide's hours, making this inclusionary experience beneficial for everyone.

The teacher, Mrs. Sawyer, and the aide, Mrs. McIntyre, work as a team to teach all of the students and have achieved an excellent level of coordination and success. This class was recently celebrated in the "Philadelphia Inquirer."

The article is not about Rafael, not about inclusion, but about the outstanding work Mrs. Sawyer has done to encourage all of the children to read many books and the outstanding academic accomplishments of the students in their classroom.

This story is an especially important one to emphasize, in light of the concerns of so many that students without disabilities suffer academically when our children are included in their classrooms. This team is a model of what can be achieved with intelligence, creativity, and common sense. Together with Rafael, they are the living testimony that fully supported inclusive education does work.

Unfortunately, there are thousands of children with severe disabilities who are still being segregated. Opponents of inclusion are wasting our children's time, so precious to individuals with disabilities. As we speak, a little girl, Rachel Holland, from California, is being taken to the Supreme Court to fight for her rights to be in her hometown school with non-disabled peers.

This time is critical, because we are starting to finally see compliance with the law. The Congress has given us a good law. It has been strengthened over the years by the experience of parents and educators. It has been enforced by the courts for a handful of children.

We appeal to you to make sure that you hear the voices of thousands of concerned, dedicated, and responsible parents that demand the supports established by the IDEA to make it a reality for all children.

Mr. Chairman, I have too much more I would like to say to you but I will end my oral presentation here and submit additional per-

sonal comments for the record. Thank you again for the attention to Rafael and my family and the many other families across the country longing for neighborhood schools that will welcome and support their sons and daughters with disabilities.

[The prepared statement of Mr. Carlos A. Oberti follows:]

CARLOS A. OBERTI

Mr. Chairman, Members of the Committee, my name is Carlos A. Oberti, and as a United States citizen it is an honor for me to be here today. My testimony is on behalf of TASH, The Association for Persons with Severe Handicaps, The Arc, and United Cerebral Palsy Associations. These organizations and thousands of parents and educators they represent, seek to have the promise of I.D.E.A. become a reality for all children by strict enforcement of the duty on states and school districts to educate children with disabilities together with non-disabled children and not remove them from the regular class environment without first providing them with the supplementary aids and services they need.

We, the parents of children with disabilities that have had the longest amount of experience working with them from birth, know the way they learn. In my family's case, my son was doing wonderfully, growing and learning in a fully inclusive environment until kindergarten when we hit the brick wall set up by an outdated system. We found that the law is not being taken seriously and that for children with severe cognitive and/or physical disabilities, the path is already written and decided - segregated classes, often very far from their hometown, or if pressed by parents, dumping in the regular class with no supports.

The demands on a child with a disability are not so extraordinary when a group of knowledgeable professionals, together with the parents, have a genuine desire to do what is correct and meet to discuss the abilities, strengths and special needs a child may have as they develop a ***fully supported inclusive educational plan***. If that is done instead of "dumping" a child in the regular classroom, and if it is done on an on-going basis, none of the "robbing" of the rest of the students will occur.

The Individuals with Disabilities Education Act, which proclaims that all children with disabilities have the right to a "free and appropriate education" in the "least restrictive environment" is very clear and still, for too many years school bureaucrats have walked all over it. They feel that based on an IQ score they have the right to label, classify and ship out children with disabilities to a distant segregated location.

Our son, Rafael A. Oberti, went through six different placements by the time he was seven years old and there would have been many more had we followed the "professionals" recommendations. Looking back, our only regret is not to have taken charge of the situation sooner than we did. Please remember his name because he will succeed and he will make a great contribution in this world. Perhaps he already has, certainly in our lives.

When Rafael became school age, because of the progress we had seen in his preschool years and the fact that his family life up until then had been fully inclusive, we had not even questioned the fact that he would attend his hometown school, five minutes from our home. In fact, we were convinced that ***fully supported inclusive education*** was the best for our son and had clearly indicated to the Child Study Team

members that we hoped to have their support and to please develop the necessary training and resources to include Rafael.

After many meetings and the lack of other possible placements, the school eventually admitted Rafael to a "Developmental Kindergarten". He made progress that year, he was learning letters, numbers and colors, and he was happy to recognize neighborhood kids. They recognized him, too, and invited him to their birthday parties. However, notes from the teacher started to come in, always stating problems, but never including plans for resolution. They did not establish objectives for Rafael, did not have a well thought out teaching plan, nor did they have a behavior modification strategy. In fact, the teacher had not been involved in the decision to include Rafael, and she only found out he would be in her class three days before the school year initiated.

Our son and the teacher were both thrown in a pool without knowing how to swim and no life guard on duty - there was not one special education consultant available to them for suggestions or assistance.

We did many things to help and encourage the teacher, we wrote letter after letter with suggestions on how to work with Rafael, to no avail. We requested an aide with a special education background. They took five months, almost until the end of the school year, to get an aide, and then it was a helper from the cafeteria who came three times a week.

For the following year they tried to build a case against having Rafael in Clementon again. We took all the reasonable steps, including mediation, to hold onto inclusion for our son, but they would not give an inch. We visited many of the segregated options they suggested, but after visiting every single one and making a careful analysis, we came to the conclusion that they all looked more like institutions than educational placements for children.

About three weeks before school started, they suddenly found out about this "wonderful placement" that, although very distant, offered the best of both worlds: special education with possibilities for inclusion during lunch, physical education, music and library activities, and the promise that the hometown school would prepare during that year to get the necessary supports for Rafael to return the following year.

We wanted to believe them, we wanted the placement to work, we wanted to be reasonable, so we accepted.

Rafael was traveling to and from school forty-five minutes each way. The classroom itself was not what we were led to believe. They had five "stations": one with a sand box, another with a rice box, one with books where the children sat with no one to teach them what to do with them, another one with blocks and one with toy kitchen utensils and dolls. He was not exposed to even cutting paper with scissors unless he was able to string beads. He was sick of stringing beads, he had done it in the last five placements!

BEST COPY AVAILABLE

He learned nothing, he did not want to go to school, he started wetting his bed, something he had long outgrown. Because of the distance of the school, we could not follow up on his progress or work closely with the teachers. There were not opportunities for inclusion, although the multi-disciplinary team members had assured us there would be. That was the drop that overflowed the glass. We went to due process.

For the record, we do not enjoy legal proceedings, but our son was at risk. At the state level, the whole process was filled with insulting, degrading remarks about Rafael, and we were forced to go to Federal Court. Although they put on a similar show there, Honorable Judge Gerry wrote an incredibly beautiful, honest and well thought out opinion. That opinion is being used by parents all over the country as a friendly reminder to other school administrators that the law must not be isolated - it is benefitting many children today.

God and Justice walk together. The school district appealed the decision and the Third Circuit Court of Appeals reaffirmed Judge Gerry's decision in our son's favor.

By this time we had placed Rafael in a private school. We had been very blessed to find a school with the creativity and courage to take our son into their regular first grade, providing him the full array of supports that he needed, without the resources available to public schools for special children. In view of the courts' decisions, we remain hopeful that the school district will adopt inclusion as their educational policy for students with disabilities. In the meantime, we have chosen to leave Rafael where he is thriving, where his siblings are also enrolled, so that they could all be in school together.

Rafael is making great scholastic progress in this school where he has been for two years. 100% included. Time and time again we observe how many ways inclusion works. His reading and math continue to improve, we are impressed by what he picks up from science and social studies lessons presented to the class. He has been fully accepted as another student not only in his class but in the school as a whole. He is emotionally well balanced, sure of himself. He knows how to act in social situations, as you can see today, he has many friends who respect him - he has a best friend. He was recently recognized for his scholastic efforts.

We as a family have benefitted so much from having all of our children in the same school, we see them helping each other, communicating their classroom activities to us. Rafael shares the common bond of school with his brother and sisters, which offers him greater opportunity for encouraged speech and communication at home.

We find it so disheartening and unjust that this kind of accepting environment has not been available to our family in the neighborhood public school.

I would like to give recognition to and proper credit to Mr. Wellington Watts II, the principal of

Ambassador Christian Academy, an educator in the complete sense of the word, my son's friend, my friend who never doubted Rafael's abilities and searched for his strengths, to help him, to care for him, to help build his character. As an administrator he read the materials, attended conferences with his teachers, hired a teacher with a special education background and increased the aide's hours, making this inclusionary experience beneficial to everyone.

The teacher, Mrs. Susan Sawyer, and the aide, Mrs. Deanna McIntyre, work as a team to teach all of the students and have achieved an excellent level of coordination and success. This class was recently celebrated in THE PHILADELPHIA INQUIRER in an article we are submitting for the record. The article is not about Rafael, not about inclusion, but about the outstanding work Mrs. Sawyer has done to encourage ***all of the children*** to read many books and love it and the outstanding academic accomplishments of the students in their classroom. This story is an especially important one to emphasize in light of the concerns of so many that students without disabilities suffer academically when our children are included in their classrooms. I am also submitting for the record a letter from Mrs. Sawyer. This team is a model of what can be achieved with intelligence, creativity and common sense; together with Rafael they are a living testimony that ***fully supported inclusive education*** does work.

Unfortunately, there are thousands of children with severe disabilities who are still being segregated. Opponents of inclusion are wasting our children's time, so precious to individuals with disabilities. As we speak, a little girl from California is being taken to the Supreme Court to fight for her rights to be in her hometown school with non-disabled peers. I am referring to the Holland family case. The father sent me a letter for your consideration as part of our testimony.

This time is critical because we're starting to finally see compliance with the law. The Congress has given us a good law. It has been strengthened over the years by the experience of parents and educators. It has been enforced by the courts for a handful of children. We appeal to you to make sure that you hear the voices of thousands of concerned, dedicated and responsible parents that demand the supports established by I.D.E.A. and make it a reality for all children.

Mr. Chairman, if I had time I have so much more I would say to you. But I will end my oral presentation here, and submit additional personal comments for the record. Thank you again for your attention to Rafael and my family and the many other families across the country longing for neighborhood schools that will welcome and support their sons and daughters with disabilities.

ADDITIONAL WRITTEN TESTIMONY OF CARLOS A. OBERTI

The misinformation campaign about inclusive education must be stopped. It is not an impediment to learning for any student or to teaching for any teacher.

Learning in an inclusive environment is an exciting experience, no matter what age, color, background or development level the students may have. Children with special needs learn to cope with their differences. They learn from the oldest and most primary form of education - imitation. They imitate speech, they imitate behaviors, they adapt to the social requirements of group interaction. How do we expect them to become contributing members of society, if we keep them only with children with special needs for 13 years of school life?

Regular children benefit from being in an inclusive environment by learning to interact with all members of society regardless of their differences. They get an early exposure to differences and form positive opinions contrary to the harmful prejudices that some adults have. Through helping one another, they get a sense of unity and cooperation; they learn about social responsibility and caring. They learn about team work.

Teachers learn from challenge, from the creative demand that enhances their ability to teach. They learn from watching the students interact, which in turn, allows them to discover the abilities each one of them has to offer. They get the opportunity to teach values such as kindness, generosity, sharing, friendship, loyalty, leadership, responsibility, and most of all, give opportunity for all to build self-esteem.

In my experience, and I speak here for myself, segregated education is far more expensive than what it would take to educate a child in the home school. I urge policy makers to analyze the true costs of educating children with disabilities in both settings and determine for yourself. Most disturbing is the cost of litigation, such as the three year long case that I just experienced - these costs, borne by the tax payers, far surpass the costs of educating a child, for his or her entire eighteen years of schooling. Have the opponents of inclusion visited a fully supported inclusive program? Have they ever implemented one? Have they ever attempted to spend a day with a child with autism? How can they predict that a child with that disability cannot benefit from interaction with regular children? How can they predict that a child in a regular classroom may not develop his or her ability to be accepting of others, or develop his or her ethical and social responsibility, or know whether his or her inclination is to a professional who works in the field of disability? We do have plenty of experience with the segregated environments and they just do not work. Under the segregated system the children with special needs graduate or drop out and either remain in their parents home or some group home, unemployed; with few, if any friends, no future and will surely continue to be another tax burden. It is clearly documented that most people with disabilities today live in poverty.

I am here today representing the parents and friends of children that have been segregated and wish the right to choose inclusion. With all due respect to the providers whom you might hear today who oppose inclusion, I must ask you to please do not consider the message of the special interests whose main concern in changing the law is their own survival. They do not represent the true spirit of informed educators and perpetuate an obsolete system which degrades the quality of life for our children and causes misfortune and hardship to so many families and burdens our society.

Parents feel great amounts of frustration, helplessness and the feeling that they are obliged to accept the system as it is, without a say in what should be done, and as if they were not the ones paying for the education. With this loss many parents also miss the opportunity to learn how to guide their children and motivate them to pursue education as the fun thing to do. Nothing can be more devastating for society.

Parents like us will surely pursue the change. As parents we have only a few goals for all of our kids: that they learn how to learn, how to communicate, concentrate, how to get information, feel deeply and act wisely. Many feel that parents of children with disabilities have unrealistic expectations for our children. Just like any parent, we expect them to all that they can be. School classrooms are not homogeneous places. If grade level math or reading is an inappropriate goal for any student, the expectation would be for math or reading materials that are challenging, but at the same time appropriate, meaningful and allow the student to savor success. Always remember, in education parents are gold. They can transfer the bond they have with their children to the educators and complete the circle for learning success. Our values are like any other parents: honesty, integrity, conviction, reliability, consideration, and most of all, tolerance.

There are many schools in this country where there is a principal playing a leadership role, innovative teachers and concerned parents where ***fully supported inclusive education*** is working very well. We ask this Committee to take the necessary steps to ensure that all teachers and administrators have the supports and skills they need for successful inclusion. I ask this Committee to take whatever steps are necessary to get beyond the political battles and fully enforce the Individuals with Disabilities Education Act as it was originally intended.

LETTER RECEIVED FROM MR. ROBERT HOLLAND VIA FAX ON 4/23/1994

Thank you for the opportunity to speak to you today through the voice of another father, Carlos Oberti.

Last week, the Sacramento Unified School District voted 5-2 to appeal the U.S. Supreme Court, a Federal 9th Circuit Court decision, as well as the States hearing officer's decision that my daughter, who has developmental disabilities, receive her education in a regular education class with support from a part-time instructional aide.

In consistently appealing this rulings the district itself has encumbered the expense of over one and one-half million dollars in public funds just to deny the option of regular class placement to my daughter. In 1989 the district refused to even read supporting literature which we presented to back up our plea for regular class placement stating that their minds were made-up, nothing we could do or say would change their decision to place Rachel in a class for Severely Handicapped children. With no other option, we enrolled Rachel in a Jewish Day school and started paying for tuition and a classroom aide as well as a Special Education consultant. Rachel is still there -- thriving along side the other fourth graders who know and love her -- who say that they learn from her, who folk dance with her, study with her, have lunch and recess with her and who believe strongest in her abilities.

But it hasn't been easy for our family. We can no longer afford our home because we have borrowed so heavily against it to pay for the legal and educational costs over the past five years. We have used the proceeds from the sale of the family business also for the legal and educational costs. It has not been easy for our family to endure the misrepresentation by the districts and the local press for five years either.

Fortunately, the Disability Rights Education and Defense Fund continues to defend Rachel in court, though prior private legal costs remain due.

As a parent, the most difficult thing will be to explain why such an aggressive and expensive campaign would have been waged against her in the first place and how a school district could have expected public good to have occurred as a result.

But my daughter is brave and she does understand that some adults do make mistakes about children.

Please help firmly to enforce standards of practice and program review which will demonstrate to a nation of school districts that the law is to be followed -- especially for those who most depend on it for fairness. Help school districts to understand that for 18 years education in the least restrictive environment has been the first option -- not the last. I ask you to lead bravely by example for the sake of all children.

Sincerely,

Robert Holland

BEST COPY AVAILABLE

April 24, 1994

Subcommittee on Select Education & Civil Rights
House Education & Labor Committee
Washington, D.C.

RE: I.D.E.A.

Mr. Oberti said he was allowed to submit testimony. I asked if he would submit this letter.

In my career as a teacher I have taught for sixteen years both in a segregated school for the mentally retarded and in a regular classroom. This year, for the first time, I had the opportunity to teach in an all inclusive class.

When I was offered this position I accepted it as a challenge, despite some reservations and concerns. However, after teaching for nine months, our class has dismissed all my concerns as I am pleased they have surpassed all of my expectations and goals.

It has been an exciting experience to observe my students with special needs grow academically and socially in leaps and bounds. At the same time, the students without disabilities continue to grow academically and socially but with a deeper sensitivity, understanding and caring for others. They will never be uncomfortable with people with special needs because they have laughed, hugged, cried and played with them.

Our goals for every child are to develop and grow to their fullest potential and to become a productive member of society. Do children with special needs live in segregated families with special needs? No, they come with regular families, from all races and economic levels; living in heterogeneous country sides, suburbs and inner cities. It only makes common sense that they should be educated in regular classrooms. The real world is heterogeneous! Students with special needs need to learn the behavior and standards of the norm by being educated throughout their childhood in inclusive classes instead of expensive segregated schools, so they can contribute to society versus being dependent on it.

As an educator with no prior experience in an all inclusive class, I would like to be encouraging in voicing **"inclusion works in the classroom"**. Not only that, but I have found that I am not the only one that can do it, as I have had substitute teachers in and they have also been able to work with all the children and make good progress.

I am looking forward to seeing **all of my students** become young productive adults.

Sincerely,

Sue Sawyer

Sue Sawyer 4/6
Teacher

GL6 The Philadelphia Inquirer Neighbors in the

How a teacher got her class to turn off TV and turn over new pages

Ask second graders at Ambassador Christian Academy in Glassboro what they like best about school and the answer might knock you off your feet. There's nothing like the sound of a dozen children shouting, "We like to read! Cause it's FUN!"

Sue Sawyer's students are as she describes them, "a real blast."

Sure they are. Like a hurricane.

"They have so much energy and excitement," she said.

Yep. Twelve children younger than 8 can usually generate energy approximating a small explosion.

On the other hand, when was the last time you heard a gang of young boys begging for more time — to read?

It began simply enough.

"I wanted to get them interested in reading and enjoying it," Sawyer said.

Fortunately, she knows that children of that age are easily inspired. Especially by prizes.

"I told them that if each of them could read 15 books within two weeks, there would be special prizes and maybe a class trip."

Each book had to be at least 25 pages, with more than just a few words on each page. In other words, books not picture books.

That was in September, and as Sawyer said, "They went bananas."

They read during free time, they read during "seat time," they read at home.

After two weeks, everyone had read 15 books.

There was an award ceremony with certificates handed out by Wellington Watts Jr., Ambassador's principal, and an ice cream sunday party for the whole class.

Ice cream proved to be a powerful incentive, and in October "they wanted to do it again," Sawyer said.

But this is after all, school. So in October, she upped the ante to 20 books per child in two weeks.

They did it again. And again in November.

By December, the goal was 25 books, and one parent was reporting, "My kid doesn't watch TV anymore."

They read books on sports heroes, they read books on the moon and the stars and the sea. They read Charlotte's Web, Little Women, Oliver Twist.

The number of books read in December was 212, a diminished total because of the holiday break. November's total, however, eclipsed expectations: 649.

This total is particularly notable when one realizes that Sawyer's class includes three special-needs students.

Sawyer, who is certified in special education and early childhood teaching, has 18 years of experience in both areas.

This, however, is the first year she has taught a class in which special-needs students are "mainstreamed."

She said Deanna McIntire, the second-grade teacher's aide, is "a blessing."

"Team teaching is what really makes this work," Sawyer said. "But the kids also learn from each other. They've learned a lot of compassion and patience from each other, and the 'regular' students have learned about personalities and becoming more careful to adapt to differences."

Learning levels in Sawyer's class range from kindergarten to fourth grade, but the reading program has paid big dividends for all the students.

Their reading abilities have increased, and there have been notable strides in vocabulary, spelling and comprehension, she said.

Sawyer, 38, who lives in Moorestown with her husband, Greg, and children Jessica, Greg and Violet, said she while "you can always motivate children," this particular group of students has "a great attitude."

"They really keep me on my toes," she said. "They've really made teaching fun this year, because each one of them can be such a clown. And they help one another, trading books back and forth and suggesting new ones.

"And, of course, they're full of suggestions about prizes, too."

Undisputed champion reader is Joshua Volz, Joshua, son of Judy and John Volz of Moorestville, read 66 books during the last two-week "book-athon."

"Josh really got into this when he heard there were prizes to be had," Sawyer said. "Then he found out he enjoyed it."

But then, all the classmates — Timmy, Deanna, Crystal, Patrick, Debbie, Christopher, Gabrielle, Erica, Rafael, Shawn and Betsy, as well as Josh — enjoy reading.

"Cause it's fun.

■

Gloucester County College's Campus

For The Inquirer / ELLEN BARONE

At Ambassador Christian Academy in Glassboro, second-grade teacher Sue Sawyer has gotten her students addicted to words. One child in her class, Joshua Volz, read 66 books in two weeks.

BEST COPY AVAILABLE

Chairman OWENS. Thank you. I have a number of questions but I will yield to Mr. Ballenger, first.

Mr. BALLENGER. Just a couple, if I may. Ms. Morra, you mentioned Johnson City, I guess that was New York——

Dr. MORRA. Yes, that is correct.

Mr. BALLENGER. [continuing] that had an excellent program and, because of that, large numbers of people moved there. Was it an inclusive program or private? What kind of program was it that made them so good?

Dr. MORRA. Johnson City, as with some of these other districts, has had a large, long history of education reform. Johnson City is one of those that has really been working on education reform for probably about 15 years now and out of that has come their philosophy of educating children with disabilities. They do have, basically, inclusion programs.

Mr. BALLENGER. In other words, it is an inclusive program. Let me ask a question, because you all are in charge of the money. Does the money go with the child? If 40-something new children move into Johnson City, does that mean Johnson City gets more funding to assist those children?

Dr. MORRA. The funding differs with each State in terms of what procedures, what rules and requirements they have. In New York, I believe that they are still in a system where the money does go with that child.

In Vermont, for example, they are moving away from that and really trying to go to a system where first, you got money per special education kid regardless of what kind of placement they were in. Now, they are considering moving to a system where you do not even get a per special education kid allowance, you get a figure based on a per-pupil count, which takes the number of kids who might need special services in the entire school district into account.

What you find is States, at least with their State dollars, really looking at the funding formula and looking for ways to distribute those moneys more equitably but not necessarily encouraging placement in segregated classrooms. What States like Vermont have concluded is that the system where a child gets a certain amount of money because they are in a segregated classroom—which is more than one that is in an integrated classroom—or a child gets a certain amount of money because they carry a certain label, regardless of whether they need a lot of special services or not, encourages, then, assigning more kids the label and assigning more kids to segregated classes.

Vermont has some statistics that show that, since changes in its policy, the number of kids carrying the special education label has decreased although, all told, they feel they are serving the same number of kids. They are still providing support services regardless of whether or not the label is carried.

Mr. BALLENGER. Do you want to respond?

Mr. CHASE. Yes, if I could add to that. One of the problems that we have seen, going along with the comments that Dr. Morra made, is that oftentimes when a child is included within a regular classroom setti .g, the money does not follow. The money, then, is the same as any per-pupil type situation would be.

What we see, then, is some school districts going to an inclusive model, going from using the concept of least restrictive environment to get a least expensive environment, and not providing that child or those children with the necessary ancillary services to make that experience an enriching and a proper experience, both for the special needs child and for the other children in that class.

The problem of what happens to the dollars and where they go become greater in some places than others in many instances, because it affords either the State or the local education agency to allocate less money because the student is not being identified as a special needs student in a special needs program. As a result of that, the services that are needed are not always provided.

Mr. BALLENGER. Considering the fact that there is so little Federal money, that 12 percent or 11 percent or whatever the number is——

Chairman OWENS. Seven percent.

Mr. BALLENGER. Seven percent, excuse me—the decision that is made as far as funding for those children, is it made at the State or local level?

Mr. CHASE. It can be either or both depending upon the local jurisdiction or the State laws and regulations that govern it.

Leveled on top of the regulations and laws that are passed at this level are both State and local regulations that oftentimes are confused with Federal laws, as a matter of fact. We find ourselves in situations where people are pointing to certain activities and saying that the Federal Government requires us to do that whereas, in fact, it is State laws and regulations, or local laws or regulations that are making that happen.

It becomes a very confusing situation for many parents, for many school employees, for stakeholders in general, to understand sometimes exactly what laws require what and who is mandating what to happen. So it sometimes becomes a kind of a warren to walk through to understand and to clarify and correct inappropriate situations.

Mr. BALLENGER. Dr. Morra, it appears that you did a much more thorough study of a small State—I mean, it looked like you had five or six different cities in Vermont and one in California.

Even at that, do you find that the additional funding at both the State and local level has a substantial effect on the quality of that program or is it more just the leadership?

We do not have the gentleman who was from Illinois here now, and I never did quite get to the point of how much money we were putting in the pot, but I found out later that it was not a rich area where this was being done.

In your study, do you find substantial differences according to how it is funded at the State level and at the local level, in the quality of the program?

Dr. MORRA. Let me start by saying we went to 12 districts in total across the States. I think there were three in California; five in Vermont.

What you find a lot, and it almost cuts across the many areas where we do work, is that folks at the local level do not distinguish which moneys are Federal, which moneys are State, which moneys

are local, so they cannot really tell you the impact that the 6 percent had, and it is very, very difficult to try to trace.

What they do say is that even with these little grants that they get—and sometimes you wonder if that is the most efficient way to give out money—they can show you what they are doing with an extra $1,000 that they got from one program or another and that $1,000, to them, is very, very important.

Mr. BALLENGER. Mr. Oberti, yours is a private school. What are the numbers of children that fit into this program in the private school itself? I noticed a teacher and an assistant.

Mr. OBERTI. It is a small school that probably has about 80 students, total. My son's classroom has 12 students but, at the same time, there are three children with disabilities in there, and there is only one teacher and one aide.

I think that they are very underfunded. As a matter of fact, it is very sad to see, when you go into the building, that there are leaks in the roof because they do not have that much money. They have the attitude that they have a positive environment that they have created for all of their students.

Having these children with disabilities increases the opportunities for their survival, increases the opportunities for their growth, for their interrelations with the rest of the population.

Why should we keep these children for 13 years of their lives segregated in very far away from home schools and then expect them, after 18 years, to deal with society and with regular people as if they were trained to do so?

This "one size fits all" is actually the segregated environments because, if you look at them, they are putting children with all kinds of different disabilities in one classroom and that is terrible for the children because it destroys the self-esteem that they have.

Mr. BALLENGER. If I might interrupt, in your one little school, does that not also hold true, that they put children with all kinds of different disabilities in the same classroom?

Mr. OBERTI. I am sorry. Can you repeat the question?

Mr. BALLENGER. Yes, excuse me. I did not mean to get away from the microphone. Would not the same thing hold true in your small private school, that they put children with all kinds of different disabilities in the same classroom?

Mr. OBERTI. This is a very good question, sir. There are three children in that classroom; they are all learning; they are all going at their own speed. It does not necessarily have to be that they are in a competition. They are learning at their own skill levels.

In that particular school, they have three children in one 14-student classroom—12 to 14 students——

Mr. BALLENGER. Excuse me a minute, but I do not really understand. You have three children in a classroom?

Mr. OBERTI. I am sorry. There are 12 children and there are three with disabilities in the classroom

Mr. BALLENGER. Oh, okay.

Mr. OBERTI. If you hold the natural relation of location, geographic location, of children with disabilities in their hometown schools, you are not going to get more than two or three students per classroom, at the most.

If you go to Spain—they have been doing inclusion for 10 years—they have large classrooms, usually about 35 students to a classroom. The government has indicated to the schools, "If you accept two children with disabilities, then you can reduce your classroom size to 22," and they do very well.

Mr. BALLENGER. Is yours a church-related school?

Mr. OBERTI. Pardon me, sir?

Mr. BALLENGER. Your private school, is it church-related?

Mr. OBERTI. Yes, it is a Christian school.

Mr. BALLENGER. A Catholic school?

Mr. OBERTI. Christian.

Mr. BALLENGER. Christian?

Mr. OBERTI. Yes. Ambassador Christian Academy. I think that perhaps has a bearing on the humanity of the direction they have taken and the way they have treated my son but, at the same time, I do not think that is unique to private, parochial schools.

I think there are plenty of individuals in the regular classrooms, teachers that do not oppose inclusion. I think we are seeing the most resistance on the part of the administration because pretty much all of their lives they have studied and figured out that, "A child with this IQ goes to this placement; a child with this IQ stays here"; and so on and so forth.

It is a mathematical and very easy way to do things but it really does not work. You are not individualizing the program; you are not making it individual for the person. The IEPs are Individual Education Programs just by name because they are just a format in which you say, "Okay, the child needs three physical therapies a week, two speech therapies a week, and is going to the segregated classroom in whatever town they decided to send them."

Mr. BALLENGER. I think there would be a disagreement with you from the Illinois gentleman who testified earlier in the day. Just listening to what he said this morning, in a well-planned program that is put into motion over a period of time where everybody is trained, the IEP does have an effect, a positive effect—at least it appeared that way in that school.

Mr. OBERTI. I am talking from my experience and, in my experience, the IEP has been a format, a one-page document which we were pretty much indicated to sign it, even though we were not going to accept what they wrote on it. In my school district, if you are not accompanied by a lawyer, I do not think you can get a good IEP.

Mr. BALLENGER. Thank you, Mr. Chairman.

Chairman OWENS. Thank you. He usually makes the remarks, not the lawyers.

[Laughter.]

Chairman OWENS. Currently, the requirement that there be a continuum of available placements exists only in the regulations, not in the statute. Do you think the statute should be amended to include this language or should the regulations be amended to delete that requirement? Of what use is it, in your opinion? Mr. Chase or any of the others.

Mr. CHASE. Yes. The concept of including that in legislation itself is a good concept. We would be making a very serious mistake if,

in fact, we moved away from the concept of having a continuum of services available for students.

As has been said by Mr. Oberti and by others here, the whole idea of a "one size fits all" would be a grave error and the only way to guarantee that we do not find ourselves in a situation of "one size fits all" being imposed in some places is, in fact, with protection of the law, beyond the regulations; so we would be supportive of that being included in law.

Chairman OWENS. How about the rest of the panel?

Mr. OBERTI. Sir, may I intercede? One of the things that we advocate as concerned parents is that they provide the choice for our children to be included. We, by no means, want to fall into the same situation in which the school districts want to dictate a placement for a child. We want the option. We are fighting for the option. We are fighting for parents to be heard during the IEP development, as knowledgeable people of the child.

Chairman OWENS. Any others?

Dr. FICANO. Yes. Our organization, NAPSEC, would definitely like to see the concept of the continuum included in the law itself. By having it in the regulations, it is subject to change, it is subject to State interpretation, it is subject to monetary constraints and political concerns.

We feel strongly that our organization, for the record, is not anti-inclusion but pro-child. We feel that options and alternatives are necessary to meet the individual needs of the child.

If parents, as partners with the school district, feel that is the appropriate option for that child, then that child should be placed in the regular class environment with the necessary supports to make that placement successful.

However, if it is left to discretion, it can be used as a means of saving money in a school district that may already be floundering to support their math and science programs or to support another type of program. We really feel that it should be in the IDEA when it becomes reauthorized.

Chairman OWENS. Dr. Morra, on the basis of your study, does it really matter, this kind of micromanaging? You talked about noncompliance, lack of monitoring.

Dr. MORRA. One of the things that we were told—and I will use San Diego again as an example—was that, despite the concerns of school officials and parents, San Diego has mandated that all learning-disabled students will attend their neighborhood schools for the next school year.

I think everything we heard from parents and teachers and administrators was that "one size fits all" blanket decision making should not be okay; that these placement decisions have to be individualized and done on the basis of what the individual needs. Anything that reinforces that policy, the folks that we talked to would probably support.

Chairman OWENS. Would not San Diego say, "We did an interview and we made some judgments about where to place an individual with this problem, and all individuals with this problem, then, are placed in a certain setting."

Dr. MORRA. They could say that they had reviewed every single child's case and decided that, for these individual children, they

could be returned to the regular schools and they could go into inclusion programs; but, when you issue a blanket policy that says all children, beginning this school year, you are talking about future children as well as current children, and that makes it more problematic.

Mr. CHASE. Can I add something here, sir?

Chairman OWENS. Mr. Chase.

Mr. CHASE. The problem with that being the initial step is that oftentimes when students are placed in Program X, no matter what their needs may be, especially in larger school districts, it is very difficult to move them to Program Y.

There are folks who just make it a little more difficult to move from one program to another; that kind of mass placement in a cookie-cutter type program at the beginning of the school year can, in my opinion, lead to serious underserving in meeting the needs of individual students.

It can also be used as an attempt to save money; when that is the case then, we are saving money on the backs of kids who need help more than others; that is immoral, to say the least.

Chairman OWENS. Dr. Morra, in the areas that you studied, were there any with a large percentage of African-American students?

Dr. MORRA. I will have to check. I am not sure what our statistics show.

Chairman OWENS. What about Hispanic students?

Dr. MORRA. Certainly, San Diego has a large proportion of Hispanic students.

Chairman OWENS. Did you find a large proportion of those being referred to special education in the categories of learning-disabled and seriously emotionally disturbed?

Dr. MORRA. I will have to check for that particular school district for those particular minorities. Certainly, nationally, the problem of over-representation of minorities in certain categories has been major.

Chairman OWENS. Nothing stood out?

Dr. MORRA. No. I will have to check our information on that.

Chairman OWENS. Mr. Chase, what do you think are the factors that are influencing an increase of minorities with disabilities in special education at the same time we find the white students with disabilities are increasingly being placed in regular education classes while the minorities are being referred more and more to special education classes?

Mr. CHASE. I think there are several reasons for it. One is misdiagnosis.

One is the fact that, albeit wrong in all too many instances, minority students are also coming from poorer backgrounds and, as such, have not had opportunities for some of the early childhood experiences that other kids have had and, as a result, are starting school farther behind than other students. That is being misdiagnosed as a learning disability rather than lack of opportunity, and that is a mistake.

I think to be very honest with you, there are times when it is done in a way that is discriminatory, and done based upon all of the wrong reasons and not educationally sound at all.

There is no question that we can go through and look at the ethnicity and race of students who are placed in special education programs. Are students of minority backgrounds over-represented in there? The answer is, absolutely yes, they are.

Chairman OWENS. Does anybody have proposals to remedy this situation? In the legislation that we reauthorize, are there any things that you would suggest we do to help lessen this problem? Mr. Oberti?

Mr. OBERTI. Yes, sir. First of all, Mr. Chairman, I would like to call your attention to this U.S. News "Separate and Unequal" report.

Chairman OWENS. We are familiar with it, yes.

Mr. OBERTI. Very good. My children are on the first page, so I am very proud of it. There you can see some statistics that they pulled out on how minorities are being segregated. They are being sent out.

Regarding the matter of the funding in our case, they never complained about money in the school districts, to include Rafael. They actually showed us some numbers of some proposed placements that cost much more than we had expected and, in those segregated placements, with that kind of money, they could have easily provided the services in-house, in the school.

I think that it is not a matter of money and I urge you, Mr. Chairman, to try to give the support to the teachers and to the administrators, and provide them a chance to get acquainted fully with institution education.

Apparently, there is an incredible apathy on the part of some administrators—not all of them—in getting involved with institution education. They are afraid of it, perhaps because they do not know very much about it but then, the next normal step would be to go to the seminars, learn about institution education, and then work with it.

The Federal money that is being given to the schools in the form of grants is very influential and I think that would be one way in which the Federal Government could influence the ability of the schools to ship out the children or keep them at home.

Chairman OWENS. Dr. Morra.

Dr. MORRA. Let me just add that Vermont's system, the one that they are considering implementing, which would just give out moneys for special education based on the per-pupil count, not a specific special education count, would likely discourage the targeting of children and encourage the provision of services to kids who need those services, regardless of labeling.

This has not been implemented yet. We do not know what down sides it may have, but it would potentially decrease this over-categorizing of minorities as special education kids.

Chairman OWENS. Dr. Ficano—oh, I am sorry.

Mr. CHASE. Yes. Just in partial answer to a question you asked earlier. I mentioned in my oral testimony, the importance of early childhood programs for all students, the importance of proper health care and so on for all students; these would go a long way towards assisting us in taking care of, to a degree anyway, this over-representation of minorities in these programs.

In addition to that is the type of testing tools used to identify students for special education needs. It would also be helpful if the over-reliance on standardized tests were minimized in identifying who should be or should not be in special needs programs.

Chairman OWENS. On previous panels, the charge has been made that racism plays a major role in this. Are you saying that it does not play a role?

Mr. CHASE. No, I did not say that. I said just the opposite. I said in many instances, decisions are made for reasons that should not be used; that is inappropriate. In some instances, does racism take place? I am sure it does. In all instances, is racism the basis for the decision? I am sure that is not the case.

For me or anyone to sit here and indicate that racism sometimes does not play a role in the decision would be less than honest.

Chairman OWENS. We have just passed a crime bill in which we wrote in a provision called "Racial Justice" where statistics may be used by an inmate in terms of the level of incidents related to race and how they impacted on convictions and sentences in a particular area. We perhaps could find some way to monitor the level of racism if it is agreed that that is a basic problem.

Mr. CHASE. I think we have to be careful that we do not oversimplify, though, so that just as standardized tests become the only measure by which we decide who is going to be in special needs programs, those kinds of tests become the only measure by which racism is measured.

Certainly that could and should be considered, but I do not believe it should be the only method used to make those kinds of determinations.

Chairman OWENS. Dr. Ficano, I apologize. I got your testimony mixed up with Dr. Morra's and said that Dr. Morra had made some statements about lack of monitoring procedures but you talked about lack of monitoring procedures for IEPs——

Dr. FICANO. Yes.

Chairman OWENS. [continuing] and 60 percent of the States had not complied with the——

Dr. FICANO. Sixty percent.

Chairman OWENS. Can you elaborate on the point about the monitoring?

Dr. FICANO. Yes. That was taken from a report specifically to Congress that is issued every year with regard to the monitoring of IDEA. Unfortunately, the statistics I gave were from 1992.

Nineteen-ninety-three statistics are just out and they report much of the same, that many of the States are in noncompliance with IEP provisions, with placement provisions. I guess organization is asking that before we start making widespread change to a good law——

Chairman OWENS. That is exactly the point I want to make. Thank you.

Dr. FICANO. [continuing] that we look at implementing the law that currently exists; that we need to do a better job of monitoring. Many States are in noncompliance.

We need to give technical assistance to the States and to get in there and see—exactly your question—why minorities are going into special education programs, why children are not getting early

starts in education, especially with regard to part H, why funding is dropping in that area.

We need to be looking at what is going on in the States before we say, "Oh, this is not working; let's try something else."

Chairman OWENS. Yes. Mr. Oberti, you said that the Federal Government's grants and its involvement, however small, have a great deal of influence on what happens out there.

I wish our involvement were greater and that the Federal Government would live up to its original pledge of 40 percent of funding for these programs. We are not sure, however, that even if it were greater, we would get greater compliance.

You think our influence is considerable; however, evidence indicates that there was widespread contempt for the Federal regulations and refusal to implement them. We get complaints constantly about the wholesale lack of compliance and refusal to monitor the IEP processes at the State level.

We are not certain that we have the kind of influence that we really need to have or that more money, as badly as it is needed and as much as I would like to have it invested in this activity, is going to change that whole process of people not complying.

Mr. OBERTI. That is correct, Mr. Chairman. One of the reasons why we are here representing the parents is because we want a reconfirmation of IDEA just to make sure that compliance is there. If the administrators do not want to do it on the Federal moneys that they are receiving, they are going to have to be forced to follow the law in the Federal courts.

Hopefully, that will not be the case; hopefully, States will take a position, like Vermont and some of the other States that have been mentioned here, where they have taken the leadership in inclusive education and where fully supported inclusive education is alive and well. It is a matter of States also taking responsibility for these children.

The segregation is not only racial; it is also because of mental ability. From what I read, there are some racial problems, but I think it is pretty much a matter of, "You parents have a child that is not really 100 percent so you are going to have to follow our ways and our game."

Some of the parents protest but many others do not because they do not have a choice. That is what we are seeking—the choice.

Chairman OWENS. Thank you very much. You have all been quite patient. I will give you the last word. Are there any last recommendations that you would like to make regarding the reauthorization of this legislation; an item that you think is absolutely necessary that might not have been covered?

[No response.]

Chairman OWENS. The subcommittee is now adjourned.

[Whereupon, at 2:10 p.m., the subcommittee was adjourned, subject to the call of the Chair.]

[Additional material submitted for the record follows.]

STATEMENT OF BARBARA BATEMAN, PH.D, PROFESSOR OF SPECIAL EDUCATION, UNIVERSITY OF OREGON, CRESWELL, OREGON

The LRE provisions of IDEA ought not to be amended for the simple reason that every child who can be appropriately educated in the regular education environment is already entitled to be there. Some children with disabilities need other educational arrangements, sometimes briefly or part time, sometimes for the duration of their school careers.

To destroy special education, only to have to rebuild it in the future, would be irrational. The present law requires [1] individualized decision making about each child's placement; [2] implementation of LRE principles; and [3] a continuum of placements.

The IDEA is a superb law not perfectly implemented. The focus of misguided fanatics who would mandate one placement for every child who has a disability ought to be redirected toward better implementation of IDEA as it is written.

Thank you for listening.

STATEMENT OF LYDA L. ASTROVE, ROCKVILLE, MARYLAND

I am the parent of two children with disabilities who are receiving educational services pursuant to the Individuals with Disabilities Education Act. Please include the comments below in the official record of the April 28 hearing on the reauthorization of the Individuals with Disabilities Education Act. Thank you.

Ladies and gentlemen of the committee:

My name is Lyda Astrove, and I am the mother of two children with disabilities who are receiving educational services in Montgomery County, Maryland, pursuant to the Individuals with Disabilities Education Act I would like to stress to you the importance of maintaining the "continuum of alternative placements" that is currently available under the IDEA.

My five-year-old multihandicapped son is currently placed in a special classroom for almost all of his school day. His physical and emotional disabilities are such that we are convinced he would be unable to function effectively or to learn in a regular classroom, even with the use of supplementary aids and services. For example, he is extremely auditorially distractible, and the noise of 28 kindergarteners would prohibit him from attending to task on a regular basis. At 32 pounds, with low muscle tone, abnormally short stature, and poor strength, this child would be put in physical danger daily from the normal rambunctiousness of normal-sized children in the everyday rush to the bathroom, the bus, and the lunchroom. His current placement in a small class, with a low student-teacher ratio, has allowed him to be successful in academics, to feel safe "in his person," and to benefit from instruction taking into account his extremely poor fine motor skills.

My three-year-old multihandicapped son is currently placed in a non-public placement. Montgomery County Public Schools was unable to meet his needs even considering the range of preschool programs available for toddlers with disabilities. A hearing officer found, at a due process hearing, that MCPS had denied this child a "free and appropriate public education." It is imperative that separate classrooms, and even separate schools, continue to exist for the neediest of children. I cannot begin to describe to the committee the anguish that we, his parents felt, as the needs of our child failed to be met, month after month, until he was placed in an appropriate, non-public program.

There are individuals and groups who would tell you that all children benefit when children with and without disabilities are educated together at their home school. To them I respond that it is not my children's job to educate others about disability awareness. I want my children to get an education, and if they require special education, in a separate setting, in a smaller class, in order to learn things that their peers can learn normally, then that is what they must have. Furthermore, it is not the place of other parents or national organizations to tell me what is best for my child. Each child with a disability is unique, and deserves an education designed to meet his or her special needs. To take away the option of a separate classroom or separate school is to close off completely avenues for learning that some children with disabilities desperately need.

In conclusion, I oppose any new language in IDEA that would take educational options away from children with disabilities.

Valerie J. Veltman
37882 Andrews Court
Fremont, CA 94536
(510) 792-7394

April 26, 1994

Regarding: Testimony-Reauthorization of PL 94-142 (IDEA)

The Honorable Major R. Owens, Chairman
Subcommittee on Select Education
United States House of Representatives
Annex 1, Room 518
Washington D.C. 20515

Dear Mr. Owens:

It was just brought to my attention that hearings are being held to receive testimony regarding PL 94-142, now referred to as IDEA. The only reason I heard about these hearings was because I have a wonderful friend who has many nation-wide contacts with people who have interests in children with handicaps. Luckily, she heard about these hearings through her contacts.

I am a parent of two handicapped children (ages 7 and 15) who attend public schools. Before parenthood, I was a special education teacher. PL 94-142 (IDEA) has been and continues to be extremely important for my children. PL 94-142 (IDEA), and specifically the IEP process, has allowed my children to benefit from and succeed in school.

As an involved parent, I have learned about federal and state legislation and regulations over the last thirteen years. I've contacted many people involved with the law by written correspondence, by telephone and by personal contact. I've traveled to Sacramento, Washington, D.C., and several other places and have asked to be notified of any hearings related to PL 94-142 (IDEA). I belong to several organizations. Even with all those contacts, I was not aware of the very important hearings which are currently taking place. <u>There are many parents throughout the country who have very specific and very current experiences with PL 94-142 (IDEA). Without tapping into that valuable well of data, the whole picture about the functioning of PL 94-142 (IDEA) cannot come into proper focus.</u>

There are several important factors that need to be considered during the hearings and deliberations about the fate of PL 94-142 (IDEA).

-PL 94-142 was born out of need. Schools were not meeting the needs of handicapped children.

-PL 94-142 is a great civil rights law for handicapped children. It is a very easy to read and understand law which parents can effectively use to help their children. It is the process that is broken down, not the law.

-Individuals, both parents and professionals, came together at the grassroots level to support passage and implementation of PL 94-142. Now, when PL 94-142 (IDEA) is being reviewed and major changes to it are being considered, the notification about the hearings apparently went out to organizations. It is offensive that greater efforts were not made to seek out and inform individual parents so they could offer their testimony and participate in these critical hearings. Those people who are directly involved with the day to day functioning of special education are those who would provide the best and most accurate accounts of how it is working or not working.

-Organizations, in my experience, do not represent the opinions of the individual members. Over the years, I have belonged to many organizations, both national and local, which represent many areas of handicaps. I currently belong to several such organizations. Since 1972, I have never been asked my opinion on any aspect of PL 94-142 (IDEA) by any organization. And all of the organizations have lobbied governmental bodies over the years boasting of representing me. They don't. Individual parents must be heard!

-Organizations have become far removed from the grassroots where many of them began for the benefit of handicapped children. Organizations have become "big business." Unfortunately, the large amounts of money and great numbers of grants available seem to have become their purpose for being. They all sound as if they are there for the children. Sadly, many of the people who started out as parents of handicapped children coming together in grass- roots organizations born out of frustrations and needs, now have become highly paid administrators for these "volunteer" organizations. The focus now seems to be on procuring enough money to support the high salaries, travel, and fancy offices to which they have become accustomed. One local "highly respected" volunteer organization which recently came into major federal dollars, put on a workshop at our local school district two or three years ago. They sold a binder with photocopied pages for $17 per book. They clearly made a profit from these. When one of their stated goals is to assist parents and their children, they should not be making money off those very people they claim to want to help.

-PL 94-142 (IDEA) is not lacking anything. What is missing is proper implementation and enforcement of the letter and intent of the law by the federal, state and local agencies responsible for that enforcement. This is not a new situation. We wrote about these same problems in a journal of our experiences in 1989. The journal covered the previous eight years. Amazingly, that is thirteen years of personal involvement with PL-94-142 as a parent.

-Many of the problems we addressed then are still problems today for others. I was contacted by a local parent just last week complaining that an eight-member IEP team had found her first grader eligible for special education, but district personnel refused to agree. The IEP team came to their written conclusions after thoroughly studying all the assessment data. A district administrator, who knew nothing of this child, decided the child was not far enough behind academically. PL 94-142 (IDEA) will allow this parent, if she has the stamina and tenacity, to compel the district to provide the services to which this child is entitled to receive by law. The stamina and tenacity are needed because the districts have for so long been successful in denying services. There is no penalty for the district if they don't follow the law. It is a sad state of affairs that after all these years districts still feel free to not follow the law.

-Without PL 94-142 (IDEA), or if the parent was not an equal member of the IEP team or if there was no IEP process, children like these would continue to be victimized and harmed greatly. We must always remember that PL 94-142 grew out of need. School districts were not providing appropriate educations for handicapped children. Why would anyone think school districts will serve these children when they still feel free to deny services legally required by law? The law is good. The people who are paid to provide the services continue to be a problem. These paid personnel need to be required to abide by the law.

-The recent discussions and focus in special education have been "inclusion" and "informal intervention" for at risk children. There seems to be a focus on placing severely handicapped children in the regular classroom and serving less severely impaired children "informally" in the classroom without going through the IEP process. It is important to note that there is nothing in PL 94-142 (IDEA) that would deny regular class placement. In fact, it promotes it. PL 94-142 is the reason our children are in regular classes. "Informal intervention" scares me greatly. Translated, that means no requirement for services to be provided, and more importantly, no requirement for parental involvement in determining what appropriate services would mean. If it is not required, many will not do!

BEST COPY AVAILABLE

-Our two handicapped children are severely and profoundly hearing impaired. They are in the regular classrooms with support services of a Teacher of the Hearing Impaired/Aural Habilitator. **It was PL 94-142 (IDEA) and the IEP process which allowed us to compel our school district to provide these services for our children.** If it had been up to the school district, our children would not have the programs they have now, nor would they be progressing as well as they are. **There needs to be much more aggressive insistence on compliance with PL 94-142 (IDEA).** The complaints we had and the complaints we've heard from many other parents for the last thirteen years and beyond almost all would not have occurred if the IEP process was made to work according to law. There has been no penalty for districts that did not follow the law.

To place the power to decide what is best for my children totally in the hands of "professionals" who can't even teach reading, writing and arithmetic to our nations' children very well, scares me greatly. No one knows a child better than that child's parent. It is imperative that the parents of handicapped children remain equal partners in determining the appropriate program for their children. Removing parents from the IEP process would be disastrous for children. The possibility of no longer being an equal partner in determining my children's educational program is frightening. My children would be the big losers.

I would like you to consider the following as you think about PL 94-142 (IDEA). **BEFORE ANY CHANGES ARE MADE TO PL 94-142 (IDEA)!**

1. **Enforce compliance with the law.** Allow enough time to assess the effectiveness of the law when it works as it was intended to work.

2. **Carefully scrutinise the amounts of money handed over to organisations.** Great amounts of money eliminate the grassroots approach. The greater the distance from the grassroots level the further away from the day to day functioning of the law they generally are.

3. **Wait. Don't change PL 94-142. It is a wonderful law that is good for handicapped kids. It allows for the needs of each individual child to be met.**

4. **Reevaluate the process by which Congress receives information about handicapped children and their families.** The very best and most current information comes from the people most directly involved at the child level. After all, the law was and is for the education of handicapped children. Hearing their experiences must, by definition, be the most effective and most honest evaluation of how well the law is functioning. Please listen to parents!

Thank you for your consideration of this testimony. As a very interested, involved and informed parent, I would very pleased to testify at any current or future hearings on PL 94-142 (IDEA). Please put me on your mailing list to be notified of any future hearings or when changes are being considered regarding PL 94-142 (IDEA) or any other legislation that affects the education of handicapped children. If you have any questions or comments, please feel free to contact me. Thank you very much.

Sincerely,

Valerie J. Veltman

CEC POLICY ON INCLUSIVE SCHOOLS AND COMMUNITY SETTINGS

The Council for Exceptional Children (CEC) believes all children, youth, and young adults with disabilities are entitled to a free and appropriate education and/or services that lead to an adult life characterized by satisfying relations with others, independent living, productive engagement in the community, and participation in society at large. To achieve such outcomes, there must exist for all children, youth, and young adults a rich variety of early intervention, educational, and vocational program options and experiences. Access to these programs and experiences should be based on individual educational need and desired outcomes. Furthermore, students and their families or guardians, as members of the planning team, may recommend the placement, curriculum option, and the exit document to be pursued.

CEC believes that a continuum of services must be available for all children, youth and young adults. CEC also believes that the concept of inclusion is a meaningful goal to be pursued in our schools and communities. In addition, CEC believes children, youth, and young adults with disabilities should be served whenever possible in general education classrooms in inclusive neighborhood schools and community settings. Such settings should be strengthened and supported by an infusion of specially trained personnel and other appropriate supportive practices according to the individual needs of the child.

POLICY IMPLICATIONS

Schools. In inclusive schools, the building administrator and staff with assistance from the special education administration should be primarily responsible for the education of children, youth, and young adults with disabilities. The administrator(s) and other school personnel must have available to them appropriate support and technical assistance to enable them to fulfill their responsibilities. Leaders in state/provincial and local governments must redefine rules and regulations as necessary, and grant school personnel greater authority to make decisions regarding curriculum, materials, instructional practice, and staffing patterns. In return for greater autonomy, the school administrator and staff should establish high standards for each child, youth, and young adult, and should be held accountable for his or her progress toward outcomes.

Communities. Inclusive schools must be located in inclusive communities, therefore, CEC invites all educators, other professionals, and family members to work together to create early intervention, educational, and vocational programs and experiences that are collegial, inclusive, and responsive to the diversity of children, youth, and young adults. Policy makers at the highest levels of state/provincial and local government, as well as school administration, also must support inclusion in the educational reforms they espouse. Further, the policy makers should fund programs in nutrition, early intervention, health care, parent education, and other social support programs that prepare all children, youth, and young adults to do well in school. There can be no meaningful school reform, nor inclusive schools, without funding of these key prerequisites. As important, there must be interagency agreements and collaboration with local governments and business to help prepare students to assume a constructive role in an inclusive community.

Professional Development. And finally, state/provincial departments of education, local educational districts, and colleges and universities must provide high-quality preservice and continuing professional development experiences that prepare all general educators to work effectively with children, youth, and young adults representing a wide range of abilities and disabilities, experiences, cultural and linguistic backgrounds, attitudes, and expectations. Moreover, special educators should be trained with an emphasis on their roles in inclusive schools and community settings. They also must learn the importance of establishing ambitious goals for their students and of using appropriate means of monitoring the progress of children, youth, and young adults.

ADOPTED BY THE CEC DELEGATE ASSEMBLY, 1993
San Antonio, Texas

The Council for Exceptional Children · 1920 Association Drive · Reston, VA 22091 · 703/620-3660 Voice/TDD

BEST COPY AVAILABLE

FOR IMMEDIATE RELEASE
April 1993

Contact: Cindy C. Savar
703/264-9456

The Child's Educational Needs Come First!
CEC Calls for Action with Release of Inclusion Policy

RESTON, Va., Apr. 15--For children with disabilities and the adults who work on their behalf, the issue of full inclusion vs. educational options reached a climax with the release of The Council for Exceptional Children's (CEC) Policy on Inclusive Schools and Community Settings. In this forceful statement, The Council for Exceptional Children supports wherever possible a more inclusive general education environment, endorses a continuum of services, and offers recommendations to ensure children with disabilities are served effectively in our educational system. The existence of options is particularly vital to the education of our exceptional children and recognizes the reality that full inclusion is not appropriate for every student. In addition, there are not enough schools ready--with either the appropriate resources or training--to handle an inclusive program.

The Council reiterated its concerns that a scarcity of resources is propelling full inclusion forward at the expense of focusing on meeting the educational needs of the student. The Council for Exceptional Children's (CEC) statement reaffirms the commitment to improving educational outcomes for students with disabilities by focusing first and foremost on the student's rights and individualized education programs.

The Council, which has pioneered legislation mandating a free and appropriate education, applauds a more inclusive school environment, and the necessity for the availability of options--a continuum of services--available to meet each individual student's needs. A focus on the student's rights requires that a continuum of services be available.

--more--

"In order to effectively educate children with disabilities in the general classroom, teachers need to have the knowledge and resources to accomplish the task, our nation's communities must support the effort, and policy makers must assure funding availability," said George E. Ayers, CEC's Executive Director. "This policy statement clearly provides a balanced perspective on this critical issue relevant to children with disabilities and school reform."

The statement responds to the dangers of "full inclusion" at the expense of the individual child by addressing the practical challenges and desired outcomes relevant to educating children with special needs. The significant policy implications to the nation's schools and communities, as well as the necessity for specialized teacher training are outlined.

The Council for Exceptional Children Calls for Action:

Educators must have access to appropriate support and technical assistance to effectively serve children with disabilities in an inclusive environment. Collaborative partnerships among educators, community groups, and parents must be developed and encouraged. In addition, the CEC statement calls for policy makers to fund programs in nutrition, early intervention, health care, parent education, and other social support programs that prepare our youth for school.

High-quality preservice and continuing professional development opportunities that prepare all educators must be available. To effectively meet the needs of children with exceptionalities, educators need to be prepared to work with children representing a wide range of abilities, experiences, and cultural and linguistic backgrounds.

The Council for Exceptional Children is the largest international professional organization committed to improving educational outcomes for individuals with exceptionalities, those with disabilities as well as those who are gifted.

# # #

The CEC Policy on Inclusive Schools and Community Settings is attached.

Background Statement on Inclusive Schools and Community Settings

Prepared by
The President's Panel on Reform and Integration
The Council for Exceptional Children
March 10, 1993

Panel members: Bob Algozzine, Francis Collins, Harry Dahl, Louis Danielson, Stanley Deno, Rosalie Diebert, Mary-Beth Fafard, Douglas Fuchs (Chair), Linda Lewis, William Littlejohn, Margaret McLaughlin, Paul Sindelar, Edward Lee Vargas, and Naomi Zigmond

The Council for Exceptional Children (CEC) believes all children and youth are entitled to a free and appropriate education that leads to an adult life characterized by satisfying relations with others, independent living, productive engagement in the community, and responsible participation in society at large. Consonant with this goal, CEC supports the following outcomes for all students with disabilities: Students with disabilities participate in and complete school; make healthy lifestyle choices; are aware of basic safety and health care needs; negotiate the environment; are responsible for themselves; are able to communicate and solve problems; achieve maximal literacy levels; cope effectively with personal challenges, frustrations, and stressors; have good self-images; respect cultural and individual differences; and get along with other people.

To achieve such outcomes, there must exist for all children and youth with disabilities a rich variety of educational and vocational program options and experiences. Access to this rich variety should be based on individual educational need and desired outcomes, not on a bureaucratic convention that matches students to services on the basis of availability or disability label. Irrespective of the service option with which they are associated, special educators must view their job demands, and judge their professional successes, partly in terms of how effectively they help students succeed in or make the transition to neighborhood or home schools. Helping students to improve in academic, social, or behavior domains, however impressive such progress may be, cannot be viewed as a necessary and sufficient condition of pedagogical success; it should be coupled, whenever possible, with increasing socialization with nondisabled peers.

Inclusive Schools

CEC believes that children and youth with disabilities can be educated in neighborhood or home schools, a designation which, in some cities and towns, might include magnet or charter schools. Moreover, CEC believes that, within the home school, educators should make every effort to serve children and youth with disabilities in mainstream classrooms for most of, if not the entire, day, unless appropriate educational outcomes cannot be achieved in that setting.

CEC recognizes that today many schools and classrooms today frequently do not accommodate students at risk for school failure, including those with disabilities. Disturbingly low performance on standardized achievement tests and a shockingly high rate of student dropout are but two well-known indices pointing to pervasive academic failure and student disaffection.

BEST COPY AVAILABLE

Thus, CEC calls on all educators and professionals in other disciplines to work together to create educational and vocational programs and experiences that are inclusive and responsive to the diversity among children and youth.

Inclusion, then, is first and foremost a call for a change in attitudes and values. It signifies a new ethos that celebrates diversity; promotes accountability, multiculturalism, and professional collaboration; values the strengthening of social relationships among children; and explores strategies for pursuing excellence without sacrificing equity. These beliefs become reality, and schools become more inclusive, when the people in them:

- are accountable for the educational outcomes of all students;
- provide a rich mix of educational experiences in which all students can participate to meet their individual needs;
- support the belief that all can learn and commit themselves to a goal that all will;
- value diversity and friendships among students of diverse cultures, languages, and abilities; and
- create and value networks of learners, professionals, families, and communities.

Inclusive schools are further characterized by educators and others who:

- provide curricula, accessible to all students, that require higher order skills, such as creative problem-solving and critical thinking, as well as knowledge in content areas like science and social studies, and proficiency in basic skills and functional living;
- offer subject matter that is challenging and reflects high expectations for achievement by all students;
- provide an array of services, including various therapies and health supports, which are coordinated across educational and community-agency personnel, and which, by their design and implementation, reflect close collaboration with families;
- deliver diverse, research-validated instructional strategies, methods, and materials that match the cultures, languages, and abilities of learners;
- provide a high quality staff with differentiated skills who can deliver an array of instructional practices and support services;

engage in continuous monitoring of all students' progress with an understanding among teachers and support staff that the school will be held accountable for achieving outcomes; and

make the entire physical environment accessible to all.

Toward an Inclusive System

Inclusive schools require the commitment and cooperation of students, teachers, building administrators, support staff, and parents. But this is not enough. Inclusive schools must be located in inclusive systems. Policymakers at the highest levels of state/provincial and local governments and school administration must support inclusion. When they espouse educational reform, they must demonstrate belief in inclusive schools by adhering to the principle that schools should be intellectually challenging places where all children and youth, including those with disabilities, are expected to learn.

Funding. Toward this end, our leaders should fund programs in nutrition, early intervention, health care, parent training, and other social support programs that prepare all children and youth to do well in school. They should also work to ensure appropriate teacher salaries; low pupil-teacher ratios; professional development opportunities that include staff planning time; and availability of textbooks, library books, other materials, and assistive and instructional technology. We believe there can be no meaningful school reform without adequate funding of these key prerequisites.

Rules, regulations, and standards. The building-level administrator and his or her staff should be primarily responsible for the education of students with disabilities. Furthermore, leaders in state/provincial and local governments must promote inclusive schooling by redefining rules and regulations as necessary and by granting school staff greater decision making authority with respect to curriculum, materials, instruction, and staffing patterns. In return for greater autonomy, staff will establish high standards for each child and youth and will be held accountable for his or her progress toward outcomes. This, of course, does not mean that the same standard should be established for every child or youth, or that all pupils should be measured against the same criterion. For a student with disabilities, the standard will be reflected in his or her individualized educational plan and the students will be permitted both to choose from an array of different programs and exit options and to earn one of a number of varying exit documents.

Professional development. Inclusive schools must also be supported by college and university training programs that, in collaboration with state/provincial departments of education and local district offices, prepare all general educators to work effectively with students representing a wide range of abilities and disabilities, experiences, cultural and linguistic backgrounds, attitudes, and expectations. Teachers must be taught multiple ways to instruct students. They should appreciate the importance of high expectations, higher order thinking skills,

interdisciplinary teaching, integrated curricula, and multicultural and life-centered curricula for all students. Teacher education programs in colleges and universities should foster in their graduates positive attitudes toward children and youth with disabilities, and provide opportunities to interact with special educators and professionals from other disciplines.

Colleges and universities should continue to prepare and help certify special educators. They should place increased emphasis, however, on the role of the special education professional in inclusive schools. Toward this end, special educators must be prepared to collaborate with educators, professionals in other disciplines, agency personnel, and parents, and to work in multiple settings. They also must learn the importance of establishing ambitious goals for their students and of using appropriate means for monitoring progress.

State/provincial and local education agencies must provide high quality, pertinent, and ongoing professional development experiences for all staff. These professional development experiences should be provided through collaboration among state/provincial and local district leaders, faculty from colleges and universities, and other stakeholders.

Community-school collaboration. Finally, inclusive schools must draw on the intellectual, spiritual, and economic resources of their respective communities. There must be interagency agreements and collaboration with local governments and business communities. Community members must do their part to help prepare students to assume a constructive role in the community. Adults, especially those of color, with bilingual capacity, or with a disability, must be willing to serve as mentors, tutors, and employers of students.

Daniel P. Hallahan, Ph.D.

I am a professor of education in the area of special education at the University of Virginia. I have been a faculty member there since 1971. I am also the father of a 13-year-old child with mild cerebral palsy and attention deficit disorder. The views I express in this testimony are my own and do not represent the University of Virginia.

I am writing in support of the preservation of the full continuum of placement options in the reauthorization of IDEA. There has been a great deal of damage already done to the continuum under the rubric of "full inclusion." Some schools have already begun de facto full inclusion by shutting down options such as self-contained classes and resource rooms. Parents are being steered away from choices other than the general education classroom. Parents are being led to believe that the same intensity of instruction and behavior management can be provide in regular classrooms as in separate settings and that their children's self-concepts will suffer less in the general education classroom.

Full inclusionists are making many unsubstantiated claims in defense of their position that *all* children with disabilities should be educated in general education classrooms *all* of the time. I will address five of their most common assertions. First, full inclusionists claim that research has shown that placement in separate classes, such as self-contained classes or resource rooms, results in lower achievement and lower self-concepts for students with disabilities than placement in general education classrooms. Second, they assert that labeling children as "mentally retarded," "learning disabled," and so forth has a detrimental effect on their self-concepts. Third, they claim that research has shown that models such as cooperative teaching can be used in general education classrooms for the benefit of students with disabilities. Fourth, much of their rhetoric to the general public gives the impression that the vast majority of students with disabilities are currently educated in segregated settings. Fifth, they point to the fact that there is a disproportionate number of children from ethnic minority groups in special education as proof that special education is evil and discriminatory.

1. Does research show that placement in special classes results in lower achievement and self-concept?

There are no methodologically adequate studies that show that separate settings are detrimental to achievement or self-concept. There were dozens of studies comparing different types of placements back in the 1950s and 1960s. All but two or three have been appropriately criticized for not having randomly assigned students to the various placement conditions. And the methodologically sound ones (Budoff & Gottlieb, 1976; Goldstein, Moss, & Jordan, 1965) actually provide a limited amount of evidence that separate settings are better than integrated ones for children with lower IQs whereas the opposite is the case for

those with higher IQs. But these studies are much too old to rely on in developing policy for today's students.

Not only is there no methodologically sound research showing that separate classes are harmful, but, to my knowledge, full inclusion advocates have not produced any methodologically sound research that shows that a full inclusion model is beneficial compared with separate settings.

2. Is labeling harmful?

There is substantial research showing that labels do result in people viewing the labeled person differently. For example, people are more likely to expect deviant behavior from someone who has been labeled as emotionally disturbed. There is, however, no clear-cut evidence that labels result in lower self-concepts for those who have been labeled. What I conclude from this literature is that effects of labeling are specific to the individual. For some, it may be harmful. For others, however, it offers an explanation for their behavior and actually serves as a comfort.

3. Is cooperative teaching beneficial?

Cooperative teaching is the practice of having a special educator and a general educator co-teaching in the same general education classroom. This is a model that has demonstrated some promise. Research conducted by some of my doctoral students here and by others, however, is showing that this approach is very complex and does not always work well from the teachers' points of view. Questions of role definition and teaching styles make it far from an approach that should be implemented universally. There is no research that I am aware of that demonstrates positive or negative consequences for the students.

4. Are the vast majority of students with disabilities in separate settings?

No. The most recent annual report to congress on IDEA (U.S. Department of Education, 1993) provides the following information for students aged 3 to 21 years served under IDEA Part B and Chapter 1 of ESEA: 33.75% are served primarily in regular classes; 34.61% are in resource rooms; 25.24% are in separate classes; 4.93% are in separate facilities; .80% are in residential facilities; .67% are homebound or in hospitals. It is important to point out that, for these calculations: the definition of "regular class" is receiving services outside the regular class for less than 21% of the school day; the definition of "resource room" is receiving special services outside the regular class at least 21% but no more than 60% of the school day; the definition of "separate class" is receiving services outside the regular class for more than 60% of the school day. Thus, students in resource rooms still spend a substantial portion of their time in regular classes (Some of them spend as

much as 79% of their time in regular classes; and all of them spend at least 40% of their time in regular classes.). And even some students designated as being in separate classes may spend as much as 39% of their time in regular classes.

5. Is special education discriminatory against ethnic minorities?

No. There is no denying that black students are disproportionately represented in special education. Given the fact that African-Americans are more likely to live in poverty, have poorer health care, and fewer social supports than people who are white, should not we expect this to be the case? If we subscribe to an environmental influence on child development, would we not predict that children from poverty would be more likely to have disabilities? Furthermore, it is important to note that African-Americans not only are disproportionately represented in such categories as mental retardation and learning disabilities, but they are also more prevalent in blindness and deafness, two categories in which the notion of racial bias in identification is hard to imagine (U.S. Department of Education, 1992).

References

Budoff, M., & Gottlieb, J. (1976). Special class EMR children mainstreamed: A study of an aptitude (learning potential) X treatment interaction. *American Journal of Mental Deficiency, 81*, 1-11.

Goldstein, H., Moss, J., & Jordan, L. J. (1965). *The efficacy of special class training on the development of mentally retarded children*. Urbana: University of Illinois Press.

U. S. Department of Education. (1992). *Fourteenth annual report to Congress on implementation of the Individuals with Disabilities Education Act*. Washington, DC: Author.

U. S. Department of Education. (1993). *Fifteenth annual report to Congress on implementation of the Individuals with Disabilities Education Act*. Washington, DC: Author.

aauap

American Association of University Affiliated Programs for Persons with Developmental Disabilities

Carl E. Calkins, Ph.D.
President

Bruce Buehler, M.D.
President-Elect

Gary W. Goldstein, M.D.
Past President

Deborah Spitalnik, Ph.D.
Past President

Fred Orelove, Ph.D.
Secretary

Valerie N. Williams, M.P.A.
Treasurer

Rita Hohlstein, M.S., OTR
Member at Large

Clydie K. Mitchell, M.Ed.
Member at Large

Cordelia Robinson, Ph.D.
Member at Large

I. Leslie Rubin, M.D.
Member at Large

Clifford E. Sells, M.D., [illegible]
Member at Large

Edward Sterling, [illegible]
Member at Large

Travis Thompson, Ph.D.
Member at Large

Sheryl Whitecraft, M.D.
Member at Large

William E. Jones, Ph.D.
Executive Director

TESTIMONY ON THE REAUTHORIZATION OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

THE ROLE OF INTERDISCIPLINARY TRAINING
MAY 1994

BEST COPY AVAILABLE

The American Association of University Affiliated Programs for Persons with Developmental Disabilities (AAUAP) is honored to have this opportunity to submit testimony on the reauthorization of the Individuals with Disabilities Education Act (IDEA). University Affiliated Programs (UAPs) are federally funded programs operated by universities, or by public or non-profit entities associated with a college or university, which provide a leadership role in the promotion of independence, productivity, and integration and inclusion into the community of individuals with developmental disabilities through the provision of interdisciplinary preservice preparation of students. In addition, UAPs engage in community service activities that include training and technical assistance for or with individuals with developmental disabilities and their families, professionals, paraprofessionals, students and volunteers. Specifically, we would like to review the critical role that interdisciplinary training plays in including children with disabilities in their home schools.

In general, we believe inclusion occurs when students with disabilities receive appropriate education in the schools which they would attend if they had no disability. These students are educated in the same classrooms with their age and grade peers and participate in extracurricular activities. Inclusion requires rethinking curricular and instructional practices and developing collaborative site-based approaches and structures, using the expertise of general educators, special educators, related services personnel, paraprofessionals, students with disabilities and their families. When inclusion is achieved, students with and without disabilities have greater opportunities for success.

It is important to understand how inclusion works in a practical sense. In order to reap the benefits of education, many students with disabilities require related services, such as occupational and physical therapy. For example, the individualized education program (IEP) of a child with a disability may call for occupational therapy two times each week. In non-inclusive educational settings, twice a week, the child is pulled out of the regular classroom and provided these therapies in an isolated setting. In an inclusive setting, for a child who needs assistance with the development of his or her grasping ability, the therapist would work as part of a team with the child's family, the regular education teacher and other professionals to identify situations that regularly occur during the school week, such as during art class where every student would use a paint brush, where the child needing occupational therapy would be able to practice the same exercise as he or she would practice in an isolated setting. The therapist would still come to the school at the

designated time and ensure that the therapy was being appropriately provided. However, in many situations, the benefit to the child will actually be greater than the twice weekly therapies, because the interdisciplinary team collaborated and identified environments in which the therapy could naturally occur.

Similarly, interdisciplinary training can have positive implications with respect to the inclusion of children with complex health care needs. As with every child who is eligible for services under IDEA, the staff at the school and the parents begin with planning around the needs of that child. The child's pediatrician, other health care service provider, or the child's family may be involved and provide training to and with the school personnel in the nature of the child's disability and the variety of supports and interventions that the child may need to enable him to benefit from education. This type of training is commonly provided to parents by health care professionals. For example, a school professional can be trained to assist a child with tube feeding. In one instance, the inclusion of a child with complex health care needs resulted in the school requesting the Red Cross to provide CPR training for all personnel. The child with complex health care needs helped the school identify its need for such training and resulted in improved skills for all its personnel, and thus enhanced services provided to all children.

What is interdisciplinary training? The definition and practice of interdisciplinary training has evolved over time. The 1962 Presidential Panel on Mental Retardation, outlined the "need for a continuum of care which describes the selection, blending and use, in proper sequence and relationship, of the medical, education, and social services required by retarded persons to minimize their disability at every point of the lifespan." Thus, in response to this recommendation, the UAPs were established and promoted interdisciplinary team approaches to develop interventions for individuals with mental retardation and other developmental disabilities. In practice, the concept of interdisciplinary training was actualized in UAP assessment and evaluation clinics, which had largely a medical focus, and demonstrated the effectiveness of the team approach to develop a comprehensive picture of the status, needs, and intervention strategies for each person.

Later, the construct of "being interdisciplinary" was broadened from the traditional clinical setting to any residential, educational, or vocational program that serves individuals with complex, life-long disabilities. During this evolution, desired outcomes for future professionals trained at UAPs continue to be those related to working

on interdisciplinary teams: professional skills in a primary discipline; knowledge, understanding of the roles, language and contributions of other disciplines; and skills in interpersonal communications and collaborative decision-making in order to integrate planning, interventions, and evaluation for the "whole person". Upon completion of their training at UAPs, professionals are expected to be well-attuned to current best practices and to work effectively in teams.

What skills do educational and related services personnel need to possess for children with disabilities to be included in their home schools? The Council on School Performance Standards (1989) disseminated the following list of "new requirements" for teachers in restructured schools.

(A) Teachers need to be able to manage a number of learning groups of different sizes, all operating at the same time.

(B) Teachers need to manage flexible time schedules, a wide variety of learning resources, and the effective use of space.

(C) Teachers need to master assessment of what students have learned and make judgments about a student's most profitable next learning experience.

(D) Teachers need to evaluate and record student progress in basic and high order/ problem solving skills, personal and social attributes, and the ability to learn new things on their own.

(E) Teachers need to be able to identify and use community resources from service agencies, government, business and industry as additional learning resources.

(F) Teachers need to possess the skills to learn computers and other technology appropriately as tools for learning an sources of information.

(G) Teachers of middle school, high school, and vocational school need to serve on interdisciplinary teaching teams to plan, implement, and evaluation instruction as a group -- no longer with only one of two academic or technical fields of study in a single classroom.

While we concur with the Council of School Performance Standards, this list should apply not only to teachers. These issues can be addressed by a student-centered team, consisting of the student, the student's family, the building principal, the regular education teacher(s), the special education teacher(s), and any ancillary staff whose input is identified during the IEP process. Discipline specific knowledge is virtually ineffective UNLESS those with the disciplinary expertise know how to effectively work with other service providers and families. Moreover, if future service providers are not required to learn about other perspectives and how to work together at the preservice level, we will perpetuate a professional development approach and service system that are fragmented and of questionable support to families and individuals with disabilities. Discipline

knowledge is only half of what professionals need.

Moreover, with the enactment of landmark civil rights legislation, including the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, and the Americans with Disabilities Act, American society has embraced a policy of inclusion for individuals with disabilities in every facet of life. This policy allows us to identify three developmental phases in which professionals who interact with students with disabilities must be trained: early intervention, elementary and secondary education, and transition. It is not enough for graduates of interdisciplinary training programs to understand and communicate with other professionals in the schools. They must also communicate with family members, friends, community leaders and non-traditional professionals. Moreover, they will have to feel comfortable subrogating traditional concepts of professional expertise and ascribed dominance in supporting plans made by people with disabilities and their families and implemented through an informal network of natural supports. Simply put, each professional has to give up some autonomy and work at being a collaborator.

Therefore, pre-service interdisciplinary training is needed which will afford professionals the following expertise:

(1) skills and attitudes in being committed to empowerment and self-determination;
(2) skills in the facilitator role -- helping to connect people with communities;
(3) skills as a consultant - using specialized and generalized knowledge to serve as a resource to people with disabilities and all who assist them in problem solving;
(4) skills in community organizing - supporting all disadvantaged groups and all local communities as they mobilize to gain control over their own destiny;
(5) skills in planning for personal supports -- including knowledge of personal futures planning processes;
(6) skills in facilitating dialogue and problem solving - including the ability to bring together people with diverse backgrounds and viewpoints in a variety of forums and assuring that the thoughts and perspectives of the participants, rather than the professionals, are reflected in the outcomes;
(7) skills in resourcefulness -- based on knowledge and community resources and the ability to stimulate creative problem solving; and
(8) transdisciplinary competencies -- the ability to act in the community as an independent agent, integrating a broad spectrum of knowledge in their interactions with people with disabilities and communities.

Furthermore, while the interdisciplinary training model developed out of the necessity to serve children with mental retardation, it has become the preferred model of providing quality education to all children. It allows all professionals and others to focus on common goals for all students and permits shared expertise. For example, "regular" education teachers grapple with the implications of a more individualized educational approach for all students. Special educators have historically been trained in methods consistent with these directions and have much to offer regular teachers in making these transitions. Regular education teachers have much to offer special

education teachers on facilitating connections of regular and "special" children in small group instructional contexts and in making functional adaptations to facilitate the special education child's participation in the general education curriculum. The special education teacher has much to offer the regular educator teacher in performing functional analyses and positive behavior management practices in coping with difficult behavior in the classroom.

All of the "bottled up" expertise can benefit all students when applied as an outgrowth of team-driven staff development models. This approach exists in contrast to categorical personnel preparation models which may actually hinder progress in school restructuring by fostering dependency by regular teachers on special educators to deal with children singularly, and in isolation, who present behavior challenges. Moreover, how effectively different professionals are able to collaborate in different situations may well depend upon the commonality of some of their respective training. This training must include and build on the expertise of parents and individuals with disabilities.

Poverty, violence, drugs, homelessness have a significant impact on students' ability to learn, and educators' abilities to effectively teach and support students. These issues affecting our society are further aggravated by the decline in government financial support for schools. The National Council on Disability reports (March 4, 1993): "School enrollment trends suggest that some school districts are having difficulty delivering appropriate services to their increasingly diverse student populations. Moreover, disproportionate overrepresentation and underrepresentation of culturally and racially diverse student groups in special education programs may be caused by inaccurate perceptions of students' competencies and behaviors. The results of such a set of circumstances could be devastating to these children and youth who are inappropriately placed."

We, as a Nation, can no longer tolerate, or afford, the human and fiscal ramifications of such inappropriate placements. One concrete action that can be taken is to support and expand opportunities for interdisciplinary training for professionals, paraprofessionals, families and individuals with disabilities which will result in the delivery of appropriate education and related services. During these trying economic times, we must look to policies that help communities develop the capacity to support all of its citizens. Attached to this testimony are samples of activities taking place across this country at university affiliated programs to this end. We thank you for this opportunity to present this testimony and we look forward to working with you on the reauthorization of the Individuals with Disabilities Education Act.

Hawaii UAP Inclusion Activities

The Hawaii UAP has been assisting and supporting the Hawaii Department of Education to work towards of inclusion of all Hawaii's public schools students in regular education classes. A major effort is underway to move children with disabilities out of cluster schools and return them to their home community schools. Data on these placement shifts has been ongoing since 1989. The Leeward school district has moved from 32 percent of their students with moderate and severe disabilities attending homes schools in 1989, to 71 percent in 1993. The UAP has also provided inservice training and technical assistance to schools interested in learning more about inclusive education and developing their own inclusive education programs. In addition to these inservice and workshop sessions at individual schools, the UAP has developed and conducted workshops for district personnel, parents, physical and occupational therapists, school and district teams, principals, and vice principals, public school students and university students. While the majority of these inservice and workshops have focused on what inclusion is all about and why we are doing it, many groups have gone beyond this point and have requested and received information on strategies that facilitate the development of inclusive education programs. These topics have included: adapting curriculum, behavior assessment and management, collaboration in the classroom and school, team building, developing peer support networks, general information on disability, and cooperative learning and other teaching strategies that have proven successful in heterogeneous classrooms.

At the state level, an advisory board was developed and has submitted recommendations for rewriting state special education guidelines that have been hindering the progress toward inclusion. These recommendations included: clarifying the definitions of special and regular education staff; developing a waiver system; and changing the current system for determining staffing weights and educational arrangements. These recommendations are expected to be incorporated into the new State Plan for Special Education.

The Project is also conducting research which will document the inclusion process as it is developing in Hawaii and its effect on students with and without disabilities, teachers, administrators, related service providers, and parens. Using quantitative data and qualitative information collected from these groups through interviews and focus groups sessions, new insights and directions will be developed for implementing successful inclusive education programs.

While inclusion is becoming a reality in Hawaii, parents, students, and educational personnel are beginning to see the benefits that inclusion can provide for all students, there is still much to do to equip teachers and schools with the skills, strategies, and resources to ensure that all children receive the best possible education. Leadership for inclusive education at the national and state level needs to be strengthened and is crucial if we want all students to have the opportunity to become successful parts of our schools and communities.

Kentucky UAP Efforts in Inclusion and School Restructuring

The Interdisciplinary Human Development Institute, the UAP at the University of Kentucky, has worked extensively to incorporate inclusive education initiatives into the broader context of comprehensive school restructuring. All of Kentucky's schools have undergone sweeping changes as a result of the historic Kentucky Education Reform Act of 1990. For example, in all of Kentucky's elementary schools, the ungraded primary program has replaced the traditional kindergarten through grade three with multi-age classes designed to individualize instruction for increasingly diverse learner needs. The statewide primary program incorporates a number of strategies consistent with inclusion, including activity-based, hands-on learning, same age and cross-age peer tutoring, cooperative learning, whole language, and continuous assessment. In order to facilitate the inclusion of all students throughout the programs, the UAP has provided training to primary school teams throughout Kentucky, in approximately 150 schools, with a specific emphasis in providing individualized instruction and support to students with moderate and severe disabilities in inclusive primary school programs. Teams have consisted of regular and special educators, administrators, related service personnel, and parents of students with disabilities.

Inclusion is also reflected within Kentucky's performance-based assessment and accountability system. Kentucky is presently the only state that does include all students in its accountability system. Students with severe disabilities are included in the state's assessment and accountability system through their participation in the Alternate Portfolio, which is designed to reflect meaningful student outcomes in inclusive settings. Even more specifically, kentucky's Alternate Portfolio standards incorporate extensive interactions with typical peers and performance across multiple, integrated settings as critical scoring dimensions for student performance. Again, through a subcontract with the kentucky Department of Education, the UAP played a key role in the development of the Alternate Portfolio System, and the UAP has provided extensive training to teachers and administrators in all of Kentucky's 175 school districts in developing and scoring Alternate Portfolios for students with severe disabilities. The UAP has been charged by the Kentucky Department of Education with fully implementing this vital component of school accountability.

Virginia Institute for Developmental Disabilities Activities Related to Inclusion

The Virginia Institute for Developmental Disabilities (VIDD), Virginia's UAP, has been engaged in activities aimed at fostering more inclusive educational practices in schools in Virginia. These activities have included extensive work within the Virginia Department of Education and collaborative work with the Departments of Health and Education around issues involving students with complex health care needs.

Beginning in 1987, the Statewide Systems Change Project set the stage for inclusive educational practices in a variety of school divisions in Virginia. VIDD was the impetus behind the project and continues to disseminate materials to schools and families.

As educational systems prepared for implementing strategies that foster more inclusive practices, interdisciplinary training of teachers and related services personnel became a priority at VIDD. Early childhood special educators, occupational and physical therapists, social workers, nurses, and psychologists received interdisciplinary instruction and support through three personnel preparation programs administered by VIDD. These programs continue and graduate approximately 30 professionals yearly. This year, VIDD, in collaborations with the Virginia Department of Education and the Department of Occupational Therapy at Virginia Commonwealth University, will begin a new personnel preparation initiative to prepare therapists and educators in interdisciplinary, school-based practices that emphasize integrated therapy as a support to inclusive education for students with developmental disabilities.

In addition, VIDD operates two Technical Assistance Centers, on in Early Childhood Special Education, the other in Severe Disabilities. These centers have offered or cosponsored symposia, workshops, and technical assistance to school divisions within the region on inclusive educational practices. Several areas have been emphasized, including positive behavioral supports, person-centered planning during transition, supports for children with complex health care needs, and technology. Each training opportunity embraces the UAP philosophy of inclusive practices and interdisciplinary collaboration.

The School Nurse Initiative, sponsored by the Virginia Department of Health, expanded into the interdisciplinary training of teachers, therapists, administrators, nurses, and other school personnel regarding the educational needs and supports for children with complex health care needs. This emphasis continues as the School Nurse Institute begins to address training in individualized health service planning.

Finally, VIDD has sponsored three statewide conferences on inclusive education, each attended by over 400 educators and family members. This conference has served as a further catalyst for collaboration and change across Virginia.

MICHIGAN INCLUSIVE EDUCATION INITIATIVE

Implementation Report

Office of Special Education Services
Michigan Department of Education

Developmental Disabilities Institute
The University Affiliated Program of Michigan
Wayne State University

1989 – 1993

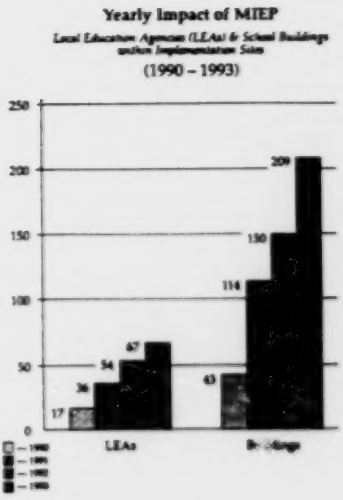
What has been the impact on Local Education Agencies (LEAs) and School Buildings?

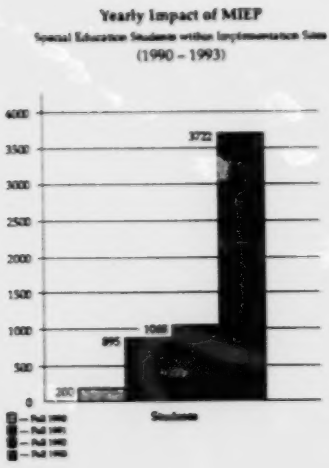
Implementation sites have expanded their inclusive education activities each year. This expansion is the result of three factors:

1. increased numbers of students
2. student movement within program levels
3. increased program preparation.

Within the 20 implementation sites, 67 local education systems have developed inclusive education programs in 209 school buildings.

A recent Michigan study conservatively estimated that the inclusive education option is available in four times as many LEAs and buildings throughout the state (MAASE, 1991).





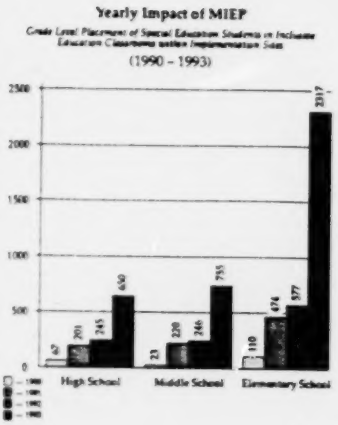
What has been the impact on special education students?

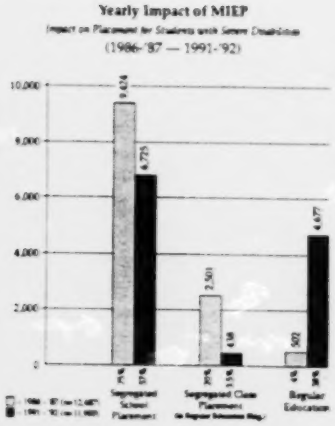
Inclusive education has grown steadily since the first year of implementation in the original seven school districts. The beginning of the fourth year of implementation witnessed a tripling of the number of students being served in regular education full time with support. While these students represent the full range of disability labels, ALL of these students share one characteristic in common: Prior to the implementation of this Initiative, they all were educated in segregated special education classrooms and programs FULL TIME.

Do these students represent the full range of grade levels?

While growth has been most dramatic in the elementary schools, inclusive education has been growing at a steady rate in all grade levels. The beginning of the fourth year of implementation witnessed, at minimum, a doubling of students in each of three educational levels.

Students in middle school and high school programs are supported primarily through co-teaching models. Elementary students are supported through classroom based services and consultation.





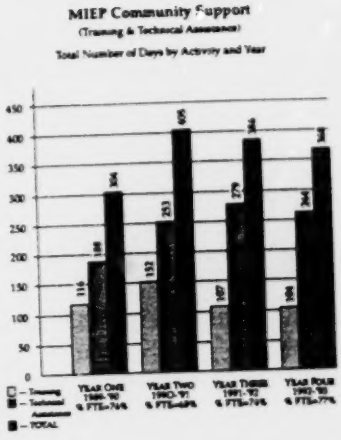
What has been the impact on placement for students with severe disabilities?

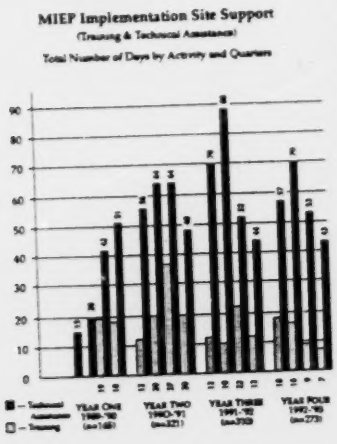
Since the inception of this Initiative, significant numbers of students with severe disabilities have moved out of segregated schools and classrooms into regular education settings. Clearly the students that have moved from segregated facilities have moved directly into regular education rather than taking an intermediate step into a separate classroom. While progress has been steady, continued support is needed to reduce the ongoing segregation.

What kind and level of support have been provided to Michigan's school communities as a whole?

Support to Michigan's schools and families has been provided based on a systems change model that acknowledges program and individual concerns are dynamic constructs which exist simultaneously along personal, philosophical, managerial, and programmatic continua. To address the dynamic nature of systems change, standards of best practice were developed for each stakeholder in inclusive education (administrators, teachers and ancillary staff, parents, and students). Intervention topics and levels of training and technical support were based on self-identified needs related to the standards.

Consistent with the premise that systems change is a **PROCESS**, not an event, support needs have not significantly decreased over the length of this initiative, but rather have changed in their foci. Across the four years of implementation, this initiative has been supported by 2.75 FTE of staff. The clear majority of staff time has been devoted to active, in district support of schools and students.





What kind and level of support have been provided to the inclusive education implementation sites?

While both training and technical assistance have been ongoing and important supports to the implementation sites, clearly, technical assistance is the most important support that was requested and needed by schools. Training needs have decreased as a function of several variables, including:

1. early and broad based training on basic concepts throughout the State
2. a focus on the training of in-district facilitation teams
3. multiple training opportunities through various State associations
4. staff and family skill development.

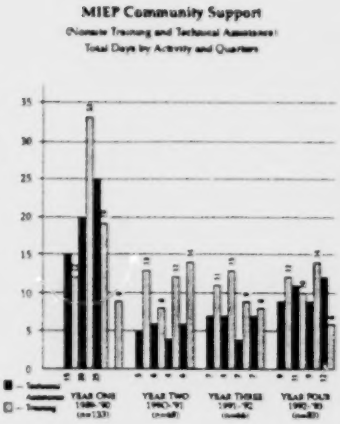
Technical assistance needs continue to evolve as the implementation of inclusive education spreads to all levels of each school district's programs.

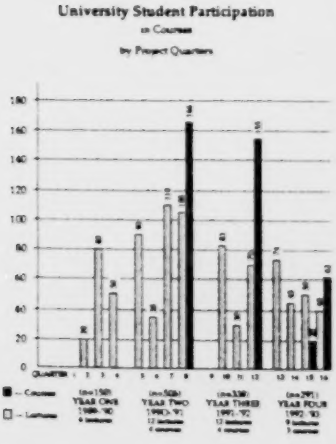
What kinds and levels of support have been provided to other schools?

For school districts other than implementation sites, the amount and level of support have been necessarily limited. Here the pattern of support is the opposite of that in the implementation sites. For these school districts, the need has tended to address inclusive education training issues. However, technical assistance focused on specific students and accommodations is expanding as the demand for inclusive education is spreading.

On a yearly basis, approximately 20,000 professionals, paraprofessionals, and parents have participated in training and technical assistance activities addressing:

- Program Design and Administration
- Student Planning Processes
- Curriculum Integration and Accommodation
- Instructional Models and Strategies
- Social Integration/Community Building
- Classroom-based Ancillary Services
- Classroom Management
- Positive Behavioral Supports
- Paraprofessional Role





What has been the impact on University students?

Lectures and courses focusing on inclusive education have been provided since the inception of this Initiative. Eleven universities and colleges have provided this instruction, including: Wayne State, Northern Michigan, Michigan State, Western Michigan, Eastern Michigan, Central Michigan, Grand Valley State, Saginaw Valley State, Madonna, Detroit Mercy, and Marygrove College. Students from the disciplines of special education, general education, social work, occupational therapy, communication disorders, and rehabilitation counseling have participated in the preservice training activities.

In addition to coursework support, this Initiative has provided support to 28 graduate students completing doctoral work related to inclusive education. In many instances, the Initiative's implementation sites have served as primary research sources.

4 North State Street, Apt. 1D
Concord, NH 03301-4005

[illegible]

May [illegible], 1994

The Honorable Major Owens
Chairman, Subcommittee on Select Education and Civil Rights
Gin Tip O'Neill Building
Washington, DC 20515

Dear Congressman Owens:

Let me introduce myself to you. My name is Roberta Gallant. I reside in New Hampshire. I am still interested in being taught additional English, grammar, composition, correspondence, math, improved business and friendly letter writing skills. While locked up behind doors and brick walls of the dormitories at Laconia State School, I was not offered a good education.

In the past, I have gone to classes at Thomas School and the New Hampshire Technical Institute in Pembroke and Concord, New Hampshire. I participated in basic Computer keyboarding, English Composition, Communication, Word perfect and Fundamentals of wordprocessing.

I would like you to take out the age limitation from Part B of the Individuals with Disabilities Education Act. Therefore, this is so important to other adults and me who are not enough educated. In New Hampshire, we have only three choices of education. They are the Adult Basic Education program and College and Project Second Start in Concord. But there, there should be more educational options available for us to take advantage of because they are needed.

Your Committee is now considering reauthorization for Part B of IDEA. There are loopholes in Part B of the Individuals with Disabilities Education Act. They are, for example, compensatory and appropriate educations for people over the age of 21. These holes in it should be filled up so that I can get an elementary and secondary education, of which the state of New Hampshire deprived me while at Laconia State School and Training Center.

Thank you for holding this very important hearing on the reauthorization of the Individuals with Disabilities Education Act, Thursday, April 28, 1994. I appreciate the opportunity to express my views on this serious issue.

Sincerely,

Roberta Gallant

Roberta Gallant

BEST COPY AVAILABLE

83-885 O - 94 - 6

11/29/92

Disabled need access to education

That, too, is required to attain equality

▶ Without access to education and training, disabled adults cannot take an equal, productive place and live independently in our society.

By ROBERTA GALLANT
For The Monitor

Monitor Forum
Board of contributors

Hundreds of adults in New Hampshire were denied a basic education because of their disabilities.

Many of these adults attended Laconia State School. While growing up in the institution, these adults were kept busy cutting pictures out of magazines, books and catalogs. They were told to fool around with paper dolls and to dress and undress rubber dolls. They did these things instead of learning to read, write and do arithmetic.

Gallant

That's because, at the time, no one believed we could learn.

Since Laconia State School closed in 1991, all these adults are living in towns and cities in New Hampshire. They don't have the skills they need to live in their communities. They are too old to be educated under the special education laws. They are too poor to pay for an education on their own. Most adult education programs don't know how to teach adults with severe disabilities. Without education or a diploma, these adults can't get loans to go to school.

I myself am one of these adults.

When I was 15 years old, I wanted to learn to tell time. I begged and begged a teacher to show me how. Every time, she refused. I was so hurt I cried. But she ignored me. Finally I got mad and chased her around the classroom. She bumped into a desk and fell down. Even that didn't get me anywhere – except suspended from class.

I finally did learn to tell time. Today, I'm 41 years old. I left Laconia State School in 1980. Since then, I've had some special tutoring, some adult basic education classes and attended a computer course at the Thomas School in Pembroke. Now I'm taking an English composition course at the New Hampshire Technical Institute here in Concord. I like it. Now I don't have to chase my teacher around the classroom anymore. I feel good about that.

But I still have to beg and struggle to get chances to learn. Every class involves a lot of arranging. And I still am missing important basic skills. Sometimes I still think I'm being ignored by society.

It's even worse for people who aren't as persistent as I am. They don't get anything at all. They need educational opportunities, too. We can learn. We can get jobs and support ourselves instead of being supported by taxpayers. We can work in many kinds of jobs. But first we need education.

People First of New Hampshire is a statewide self-advocacy organization of citizens with disabilities speaking for themselves. We support educational opportunities for adults who have been deprived of a chance to learn.

During the next six months, we will be working on this and other issues as well. Many of our members have been deprived of opportunities to get an education.

We would like to invite the Legislature, the media and other people with disabilities to join with us in solving this problem.

Despite the Americans with Disabilities Act and changed attitudes toward us, people with disabilities cannot be equal without equal access to education.

(Roberta Gallant of Concord, who heads the newsletter committee of People First of New Hampshire, is a member of the Monitor's board of contributors. She wrote this column with some assistance from Jane Hunt, a planner with the New Hampshire Developmental Disabilities Council.)

For the past 24 years, I have been a member of the faculty in special education at the University of Virginia. Prior to completing advanced graduate work and assuming a university faculty position, I was for three years a teacher of severely emotionally disturbed children (in both residential and public school programs) and for two and one-half years a regular classroom teacher in regular elementary schools. The views I express in this testimony are my own, based on my experience as a teacher of children, teacher educator, and researcher; they should not be taken to represent the positions of the Curry School of Education or the University of Virginia.

My reason for writing is to offer support for maintenance of the full continuum of alternative placements (CAP) in the reauthorization of the Individuals with Disabilities Education Act (IDEA). The CAP has been for several years under attack by those who embrace the ideology and policy of "full inclusion," which presumes that appropriate education and related services can and must be provided to all students in their neighborhood schools and regular classrooms regardless of the nature or severity of their disabilities. Special classes, special schools, and even resource room programs have in some school systems been abandoned altogether or reduced drastically in the name of "reform," "restructuring," or "inclusive schools." This is, in my considered opinion, a very dangerous trend that is bound to limit educational opportunities for many children with disabilities.

Special education needs substantial improvement in several areas, including instructional methods and teacher education. It does not, however, need reform of the nature suggested by those who are advocates of full inclusion rather than maintenance of the CAP. The full inclusion movement puts central importance on the <u>place</u> of instruction, not on appropriate education, which is the real heart and soul of IDEA. I urge you reject appeals for a federal policy of full inclusion or modification of IDEA's requirement of a CAP. Instead, I hope you will focus attention on more substantive issues of appropriate education. For reasons that I have given in the professional literature (Kauffman, 1993; see attached copy), I believe the advocates of full inclusion are undermining the rights and benefits that IDEA now provides--rights to a free, <u>appropriate</u> education in the least restrictive environment (which can not be the same environment for all students) and to the benefits of carefully individualized education programs (IEPs) that can, in fact, be assured only if the CAP is maintained.

In the remainder of my testimony, I address several misconceptions that nurture advocacy for full inclusion. Each misconception is based on a misreading of the research literature or oversimplification of research findings.

3

Misconception #1: Most children with disabilities are segregated for their education.

The fact is that U.S. Department of Education data show the vast majority of students with disabilities are taught in regular classrooms for a substantial part if not most of the school day (U.S. Department of Education, 1993). The data do not support full inclusion advocates' argument that needless segregation is occurring on a vast scale. What the data do support is the conclusion that under IDEA a wide range of placement options has been available and that the favored option for most students with disabilities has been placement in regular schools and placement for at least part of the school day in regular classrooms.

Misconception #2: Research indicates that regular classroom placement with supportive services is helpful for all students.

The fact is that research has yielded mixed results for all types of placements. Sound research on placement per se is difficult to do well, and many studies of placement have been fatally flawed. However, substantial research projects recently conducted or under way at Vanderbilt University (by Doug and Lynn Fuchs) and the Universities of Pittsburgh (by Naomi Zigmond and colleagues), Minnesota (by Stanley Deno and colleagues and James Ysseldyke and colleagues), Washington (by Joseph Jenkins and colleagues), and California at Santa Barbara (by Michael Gerber and Melvyn Semmel and colleagues), to name a few, have failed to demonstrate that all students benefit from inclusive school programs. Moreover, some studies (e.g., Marston, 1988; O'Conner, Stuck, & Wyne, 1979) and analyses of research (e.g., Carlberg & Kavale, 1980) have shown education in separate environments to be more effective for some students than education in the mainstream. Research does support the conclusions that (a) the quality of the program offered in a given placement is more important than the place of instruction per se, (b) some appropriate programs are difficult if not impossible to offer successfully in the context of regular schools and regular classrooms, and (c) the outcomes of placement are highly individual and are not highly predictable for broad categories of students. Thus, I believe the data support arguments for maintaining the CAP, with placements determined on a case-by-case basis as required under current special education law (IDEA).

Misconception #3: Personal experience and research show that placement in separate environments is damaging to students.

True, some students and parents have been disappointed in separate placements. Their experience is most certainly not universal and does not appear to be typical. Both personal experience and research indicate that attending special classes and schools can be self-enhancing for students with disabilities.

As I indicated in my response to Misconception #2, the research on this issue provides mixed results. There is no clear-cut evidence that receiving special services in places other than the neighborhood school and regular classroom is stigmatizing or ineffective. Many students with disabilities prefer to receive services outside the regular classroom (Jenkins & Heinen, 1989). Many parents want a placement other than a regular classroom for their children (see Harris, 1989). Consult my wife, the teacher of a special class for young children with mild mental retardation, or the parents of children in her class; they will tell you of the self-enhancing outcomes of being placed in a special classroom where they are being taught effectively and learning happily. These children feel very good about their placement, as do their parents. The fact is this: Many parents and students themselves could testify to the benefits their children or they themselves have received from placement in an alternative to the neighborhood school or regular classroom.

Misconception #4: Inclusion programs cost less than programs in separate placements.

Predictably, the elimination of virtually any aspect of special education services, such as transportation, reduces education budgets. If, however, one wants to maintain appropriate education for students with disabilities--programs that produce measurable outcomes in critical skill areas--then it is predictable that inclusion programs will cost more per student than programs in separate placements. Research purported to show that inclusion programs are less costly do not examine the full range of important outcomes for students with disabilities of all types. Particularly if one wants students to receive special instruction that produces academic gains, then inclusion programs demand a substantial increase in specially trained staff to work with regular classroom teachers. As the researchers who conducted a study of an inclusive program noted,

> students with handicaps in this elementary school were distributed across many different classrooms, and basic skill instruction occurred at the same time in several of these classrooms, but specialists cannot be in two places at once. Whereas pull-out programs allow specialists to bring together students from several classrooms for daily instruction, strictly defined in-class models cannot realistically match that level of direct instruction from specialists (Jenkins, Jewell, Leicester, Jenkins, & Troutner, 1991, p. 319).

Conclusion

IDEA embodies the ideals of parents and educators who advocate for the free, appropriate education of all students with disabilities. One of the key concepts of IDEA is that for each student with disabilities there will be available a full array of placement options, ranging from placement in a regular classroom of the neighborhood school for all or most of each school day to residential or hospital placement for as long as necessary to meet the students' needs. Those who urge you to alter the CAP provision of IDEA are, in my opinion, grossly if not grotesquely exaggerating our knowledge of how to provide appropriate education for all children in neighborhood schools and regular classrooms. Like those who urged the abandonment of hospitalization of the mentally ill for unproven assumptions regarding community placement, they offer false hopes that will, if acted upon, lead to yet another social disaster (see Moynihan, 1993). I ask, therefore, that you maintain the CAP as a protection of the rights of students with disabilities and their parents to individual consideration regarding the issue of appropriate education and placement in the least restrictive environment.

References

Carlberg, C., & Kavale, K. (1980). The efficacy of special versus regular class placement for exceptional children: A meta-analysis. Journal of Special Education, 14, 295-305.

Harris, L. (1989, June). The ICD survey III: A report card on special education. New York: Louis Harris & Associates.

Jenkins, J. R., & Heinen, A. (1989). Students' preferences for service delivery: Pull-out, in-class, or integrated models. Exceptional Children, 55, 516-523.

Jenkins, J. R., Jewell, M., Leicester, N., Jenkins, L., & Troutner, N. M. (1991). Development of a school building model for educating students with handicaps and at-risk students in general education classrooms. Journal of Learning Disabilities, 24, 311-320.

Kauffman, J. M. (1993). How we might achieve the radical reform of special education. Exceptional Children, 60, 6-16.

Marston, D. (1988). The effectiveness of special education: A time series analysis of reading performance in regular and special education settings. Journal of Special Education, 21, 13-26.

Moynihan, D. P. (1993). Defining deviancy down. The American Scholar, 62(1), 17-30.

O'Conner, P. D., Stuck, G. B., & Wyne, M. D. (1979). Effects of short-term intervention resource-room program on task orientation and achievement. Journal of Special Education, 11, 375-385.

U.S. Department of Education. (1993). Fourteenth annual report to Congress on implementation of the Individuals with Disabilities Education Act. Washington, DC: Author.

A.C.T.I.O N.

Action for Children to Insure Options Now

P.O Box 70-1280
Flushing, NY 11370

TESTIMONY BEFORE THE
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON EDUCATION AND LABOR
SUBCOMMITTEE ON
SELECT EDUCATION AND CIVIL RIGHTS
WASHINGTON, D.C.

HEARING ON INCLUSION
RE:
REAUTHORIZATION OF THE INDIVIDUALS
WITH DISABILITIES EDUCATION ACT

I. BACKGROUND

Mr. Chairman, members of the Subcommittee, on behalf of **Action for Children to Insure Options Now (ACTION)** I want to thank you for giving us the opportunity to share with you our recommendations for the reauthorization of the Individuals With Disabilities Education Act ("IDEA").

ACTION is a new national coalition comprised of hundreds of parents of children with disabilities as well as over 40 national, state and local organizations which represent and serve children and families across the disability spectrum. Member organizations include such groups as The American Foundation for the Blind, the American Federation of Teachers, and the National Association for the Deaf. A complete listing of organizations is attached. ACTION was formed to protect, enhance and advocate for the continuum of educational placements and

related services ("the full continuum") under IDEA.[1] Its members are united in their conviction that providing for the full continuum gives our educational system vitality, respects the wonderful variety of our children, and ensures meaningful and effective access to quality education for all children with disabilities.

ACTION is opposed to any changes in Part B of IDEA that would result in the imposition of a single, narrow federal approach to special education of children with disabilities. ACTION favors IDEA's current focus on meeting the needs of the individual child with a variety of programs as determined by a multidisciplinary assessment. Thus, ACTION favors inclusion where it is appropriate and opposes it where it is inappropriate, based upon the particular needs of each child. Inclusion in the regular classroom should remain one option in a continuum of options, not the sole option for all. ACTION opposes the adoption of any legal requirement that would place all students with disabilities into the regular education classroom (*full inclusion*) or that would move students to specialized programs only after they fail first in regular education (*first option inclusion*).[2] Mass placement of disabled children into a one-size-fits-all education program is precisely the sort of placement practice that IDEA was designed to eliminate.

Since its passage in 1975, IDEA has had a profoundly positive effect on improving educational opportunities and outcomes for children with disabilities. Many specialized

---

[1] The full continuum includes "instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions." See, 34 C.F.R. § 300.551 (1994).

[2] In practice, first option inclusion becomes full inclusion. Once the specialized centers are drained of students, they are closed, thereby collapsing the continuum of alternative placements and services into one: the regular education classroom.

education programs have a proven record of improved student outcomes. To disregard that success in pursuit of full or first option inclusion would be irresponsible experimentation with the welfare of our children.

II. THE FULL CONTINUUM OF EDUCATIONAL PLACEMENTS AND RELATED SERVICES MUST BE PRESERVED.

Children with disabilities are diverse -- children may have conditions that affect physical, sensory, cognitive, communication and social/emotional function, or may have a combination of conditions. All vary tremendously depending on the nature and severity of their disabling condition. The optimal educational approach for a child with mild sensory integration needs cannot be expected to work effectively for a child with a profound hearing loss. Individual needs vary, and so must educational programs vary if those diverse needs are to be met appropriately.[3]

Some individuals who advocate full inclusion for all children with disabilities ignore this diversity of need and assume regular education is easily adaptable. They devalue specialized education programs provided by qualified personnel for certain children with disabilities. Specialized programs cannot be so lightly dismissed, for the following reasons.

First, one should recognize that children frequently receive services in a specialized program because, in the judgement of parents, caregivers and professionals, the child could not

---

[3] That was the conclusion for education of the deaf and hard of hearing reached after three years of debate among ten organizations representing the full range of views on inclusion. Dr. Susan Easterbrook & Sharon Baker-Hawkins (ed.), *Deaf and Hard of Hearing Students: Educational Service Guidelines*. National Association of Directors of Special Education. In print. October, 1994.

be appropriately served in regular education with related services, additional supports, and assistance. These assessments are made by those who best know the individual child. Thus, there is a strong presumption that these specialized programs exist because they are needed.

Second, in general, specialized education programs are designed to create an educational value greater than the sum of its parts. Many of these programs have developed technical expertise over the years by originating teaching methods, sharing ideas among teachers and specialists in related services, and developing collaborative intervention strategies. The disability specific focus in these programs and the concentration of expert professional staff have led to the development of many of the instructional strategies that are now employed in a variety of settings. When the entire staff of a school is attuned to student instructional needs, core and related services can be integrated more effectively.

Conversely, in those situations where students with disabilities are broadly dispersed in regular schools, not only are teachers often unable to obtain sufficient experience with a particular disability, but also they often become overwhelmed by the diversity of problems that heterogeneous groupings of students bring to a classroom. Dispersion of special education students across a school district almost always forces school systems to staff related services positions with traveling, itinerant service providers who are unable to spend enough time at a particular location to truly collaborate with the teaching staff and other related service providers.

In addition, parents and students with disabilities receive a synergistic benefit from specialized programs. Parents meet other parents who have children with similar disabilities. These parents share methods, information, and emotional support. Parents and specialists in special education collaborate sharing their respective expertise on specific disabilities. Parent

associations sponsor extracurricular activities such as dances, clubs and field trips. Students with disabilities meet others like themselves and those who are more and less disabled. They learn that "it's not just me." At the specialized schools they have the chance to assume leadership roles (patrols, student government, newspapers, and class plays) which build self esteem. While all children may not need these experiences to get an appropriate education, some do. All this crucial educational value can be lost when specialized programs are dismantled and the parts distributed among decentralized regular education classrooms.

Third, some services are impossible to provide in a regular education class. In a regular education class a deaf child who relies upon sign language be unlikely to readily communicate with his peers. That child also is unlikely to experience an environment that teaches and values Deaf culture. Some children with learning disabilities require more structure and much fewer distractions than are available in the frenetic world of a regular education classroom. Without a structured environment and low student-teacher ratio these children may withdraw or act out.

Finally, research results regarding outcomes of specialized programs indicate the value of these programs. In many specific situations specialized education in a center-based, community-based, or a separate class in a neighborhood regular school is not only valuable, but essential for the child's development. For example, researchers concluded that students who were either blind or deaf and were receiving center-based specialized education, take academic classes and pursue post secondary education at virtually the same rate as students in the general population. (Wagner, 1992, 1993). In an outcomes study of graduates of the Henry Viscardi School (Rothstein, 1994) a specialized school serving children who are medically fragile, severely physically disabled or health impaired,

- 60.7% of Viscardi graduates attended a post secondary program, as compared to a national average for disabled and non-disabled high school graduates of 55%. The SRI study found national graduation rates of 19% for children with orthopedic disabilities and 29.1% for children with health impairments.

- 42% of Viscardi graduates were employed within two years after graduation. The SRI study found national employment rates of 22.7% for children with orthopedic disabilities and 38.7% for children with health impairments.

Other center-based specialized schools such as Ivymount in suburban Washington, D.C., The Eden Institute in Princeton, New Jersey, the Brehm Preparatory School in Carbondale, Illinois, and the School for Contemporary Education in Annandale, Virginia — to name a few — have received the Department of Education's "Recognized School of Excellence" award for the quality of their programs.

However, one should be clear about the limited nature of this evidence. Education research in general and for special education in particular is grievously lacking in valid, outcome-based results. There is no agreement on what "good" outcomes are, few appropriate outcome measurement techniques, little reliable or consistent data collection on existing programs and few studies comparing different program outcomes for randomly-assigned students. The current muddled state of educational research provides a strong basis for maintaining a continuum of educational placements and related services.

Advocates for both full inclusion and for preservation of the continuum can cite their success stories for their programs. It may well be that both sides are correct, as reflected in current research. Sometimes inclusion works best, and sometimes specialized education works best. However, there is *no empirical evidence that any one educational model works best for all*.

This lack of hard data indicates a need for a cautious legislative approach that preserves effective programming mechanisms and encourages the careful study of outcomes in special education. A single model for educating all children with disabilities, whether that model is inclusion or specialized education, cannot be a panacea for solving problems within the current system.

III. MANDATED INCLUSION IS UNWARRANTED

A. Special Education is not a failure

Visionary solutions can be exciting, but it is not enough to merely propose comprehensive reform. Reform for the sake of reform makes no sense. The relevant test for a proposed reform is (1) whether there is an intrinsic flaw in the present system so serious that major reform is required, and (2) whether the specific reform proposed will better meet those problems without causing more problems.

To argue for full or first option inclusion on grounds the present system of special education is a failure, since outcomes for children with disabilities are not good enough, ignores the relevant test for reform. Critics of special education cite national outcome figures showing unacceptably low rates of post-school employment, independent living, and high school graduation as well as high arrest rates for special education students as proof that special education has "failed" and that more inclusion is needed to cure the failure. While it may be true that special education has not achieved all that we would want, it does not follow that insufficient inclusion is either the cause of that result or that more inclusion is the cure.

There is no link to be seen between specialized special education programs and national outcome figures for two reasons. First, the outcome figures do not solely reflect the performance of students in separate settings; rather, they include a majority of students who are mildly or moderately disabled, already included in the general education classroom for part or all of the school day. If presently included students do not do well now, then it cannot be said that including more severely disabled students will improve national outcome figures later. Indeed, the national outcome figures are entirely consistent with the possibility that current inclusion programs do not produce positive results and that less inclusion might improve outcomes.

Second, these outcome rates might be determined by factors independent of the structure of special education. For example, many children who are seriously emotionally disturbed (SED) often come from economically disadvantaged single-parent families. If it is the case that students who are SED are arrested in greater numbers than the average, couldn't it be that social conditions beyond the control of the school system determine arrest rates? In truth, national outcome data on the performance of special education students neither proves nor disproves a case for inclusion.

B. Inclusion is not better for all

Some claim that research proves that inclusion is better for all. Typically, they rely upon anecdotes from parents satisfied with inclusion, studies showing some inclusion techniques working better than other inclusion techniques, and a smattering of reports on successful inclusion pilot programs. They ignore anecdotes from parents unhappy with inclusion, studies

showing some inclusion techniques failing, and reports on inconclusive or unsuccessful inclusion pilot programs. They also ignore just how meager the evidence is on either side of the question.

As explained in Section A above, there is an absence of outcome-based data on programs. Dr. Mary Wagner, the Director of the National Longitudinal Transition Study of Special Education Students in remarks to the American Education Research Association explained, "Educators and policy makers have had little information about the educational programs and services students with learning disabilities actually receive nationally or about how well students performed in those programs or in other aspects of their lives, both in and outside of school." Though her remarks dealt specifically with learning disabilities, they are equally valid to all disabilities. Further, in her testimony before the House Subcommittee on Select Education and Civil Rights, Dr. Wagner stated, "The special education field needs solid information on the national level on which to base its debate and its decisions regarding policies and programs to improve the outcomes of children and youth with disabilities." Simply put, the data to support inclusion or any other particular program model as the "best" method does not exist.

Data concerning specific program delivery models for children with disabilities is similarly lacking. What is missing is comparative information about the achievement of outcomes across the entire range of educational placement options. To look at a single program's results over time says nothing about the merits of that program compared to others. Yet that generally describes the state of the research today.

Even studies of a single inclusion program's results over time are far from decisive on inclusion. The best studies show that a great many things must go right before one can expect inclusion to yield an outcome benefit, and that the outcome benefit is largely determined by the

nature and severity of the student's disability. For example, in one particularly well-planned and implemented inclusion project, over a 5-year period, the end results were:

- student achievement levels increased, but only in a limited and variable way;
- student self-concept stayed the same;
- student social skills stayed the same; and
- student time in mainstream classrooms increased, but primarily because that was where the special education services were provided.

These meager results occurred despite advance planning, training of regular and special education teachers, collaboration with parents and preparation of regular and special education students (Ysseldyk, 1994). The study does not prove that inclusion cannot work, but it does suggest that there is far more than meets the eye in trying to make inclusion work.

Full inclusion advocates often dismiss such studies by saying the inclusion studied was not "true inclusion." The fallacy used is to compare ideal inclusion to real world special education. The relevant measure is real world inclusion compared to real world special education. Obviously inclusion techniques can be improved, but so too can specialized programs. There is nothing in current data that shows that any one program design is intrinsically better than the other.

In sum, it is unreasonable to believe that the narrowing of intervention strategies, as advanced by the advocates of full inclusion, would serve the needs of all children. This point is reinforced by Dr. Wagner's statement to the Committee: "Public policy must continue to support a range of education approaches, placement options, and other support services to accommodate students' diversity if they are to succeed in school and early adulthood." As

inclusionary options are developed, they should *add* to the continuum of placements and services available and *provide more options* for children rather than be used as vehicles to limit existing options.

C. IDEA does not always require inclusion

The basic concept of IDEA is that all children are entitled to "a free appropriate public education" ("FAPE"), 20 U.S.C. § 1412 (2)(B). What is appropriate, the minimum educational benefit required[4], is to be determined for each individual child and written down in that child's Individualized Education Plan ("IEP"). In addition, IDEA requires children with disabilities to be educated with non-disabled children, when appropriate. 20 U.S.C. § 1412(5)(B) (Referred to as the requirement for the "least restrictive environment" or LRE).

Finally, current federal regulation makes it clear that the FAPE and LRE requirements also require schools to provide "a continuum of alternative placements" including instruction in regular classes, special schools, home instruction, and instruction in hospitals and institutions. 34 C.F.R. § 300.551 (1994). Without a continuum of placements, a state could create a single catch-all special needs program that would provide neither an "appropriate education" nor a "least restrictive environment."

A superficial understanding of the summary phrase "least restrictive environment," which does not appear in IDEA, is the basis for the frequent misconception that IDEA requires full inclusion. The words of the statute, its regulations, and the Supreme Court's opinion in *Rowley*

---

[4] Hendrick Hudson District Board of Education v. Rowley, 458 U.S. 176, 200-01 (1992).

make it clear that a placement must *at least provide an appropriate education* for the individual child, one that supplies an educational benefit.

LRE cannot be determined apart from appropriateness, nor can appropriateness be a mere adjunct to LRE. The structure of IDEA is clear on this point. The two requirements of 20 U.S.C.A. § 1412(5)(B) -- the LRE section -- are both conditioned on appropriateness:

(1) "to the maximum extent appropriate," education with the non-handicapped is preferred; and

(2) removal from regular education should be exceptional, occurring only where education in the regular education environment "cannot be achieved satisfactorily."

See also, U.S. Department of Education, *Deaf Students Education Services; Policy Guidance*, 57 Fed. Reg. 49274 (October 30, 1992) (Correcting misimpression that LRE provision of IDEA presumes "that placements in or closer to the regular classroom are required for children who are deaf.")

The case law is equally clear. From among the continuum of programs provided by a school district, choosing those placements that would provide an educational benefit, the school system should then, and only then, prefer the least restrictive placement. *Carter v. Florence County School Dist. Four*, 950 F.2d 156 (4th Cir. 1991) ("Under the Act, mainstreaming is a policy to be pursued so long as it is consistent with the Act's primary goal of providing disabled students with an appropriate education. Where necessary for educational reasons, mainstreaming assumes a subordinate role in formulating an educational program"), *aff'd*, 510 U.S.__; 126 L.Ed.2d 284 (1993). *See also Daniel R.R. v. State Bd. of Educ.*, 874 F.2d 1036, 1045 (5th Cir. 1989) ("[T]he Act's mandate for a free appropriate public education qualifies and limits its mandate for education in the regular classroom"); *Briggs v. Bd. of Educ.*, 882 F.2d 688, 692

(2d Cir. 1989) (preference for mainstreaming must be weighed against the importance of providing an appropriate education to students with disabilities). Thus, to speak of education in the "least restrictive environment" without the qualifier "where appropriate" is both misleading and inaccurate.

Of late, two cases have been frequently miscited for the proposition that IDEA consists only of an LRE requirement. These so called "full inclusion" cases simply apply a standard IDEA analysis to student-specific situations. Neither case overturns the existing law summarized above.

In *Sacramento City Unified School District v. Rachel H.*, 14 F.3rd 1398 (9th Cir. 1994) (Holland), the court upheld a state hearing officer and district court finding that the evidence favored mainstreaming a mentally retarded girl full time in a regular education classroom. The case turned on the court's view that the school district's experts were not as credible as the testimony of the regular education teacher, the parents, and the parents' experts.

In *Oberti v. Board of Education*, 995 F.2d 1204 (3rd Cir. 1993)(Oberti), the school district had denied a regular education placement to an eight-year-old boy with Down Syndrome, because, two years earlier, the child had serious behavior problems in a kindergarten that failed to provide either supplemental aids and related services or a behavior management plan. The court was unimpressed by the argument that the bad results from an inadequate regular education placement proved that bad results would occur in an adequate regular education placement.

Curiously, one key case that does not get cited, but should, is the recent Supreme Court case, *Florence County School District Four v. Carter*, 510 U.S. __, 126 L.Ed.2d 284, 114 S.Ct. 361 (1993). In that case, the school district, over the objection of the parents, advocated a

regular education placement with minimal individualized instruction for a student with a learning disability. Her parents, instead, placed her in a private school specializing in educating children with disabilities and sued the school district to obtain reimbursement of the private school's tuition. The lower courts found the proposed mainstreaming "wholly inadequate" and the Supreme Court upheld reimbursement of the parents.

None of these student-specific cases are as telling as the acid test of principle that came in *St. Louis Developmental Disabilities Treatment Center Parents' Ass'n v. Mallory*, 591 F.Supp. 1416 (W.D.Mo. 1984), *aff'd*, 767 F.2d 518 (8th Cir. 1985). In that case, five advocacy groups and thirteen individuals challenged Missouri's special schools and facilities serving students with profound and severe disabilities. They asked the court to order the closing of all the special schools and the integration of all the special school students into their home schools.[5] The court rejected the request and found that

> [i]f the Court did as the plaintiffs ask and ordered the wholesale transfer of all the children in separate schools to regular schools it would be committing the same wrong the plaintiffs alleged against the defendants earlier. The Court would not be treating each child as a unique individual.

591 F.Supp. at 1456. The court further observed that to "require that all children, even those who can not benefit or meaningfully participate, be placed in a regular school would itself constitute an equal protection violation. This subgroup of school age children would be denied the opportunity to receive an adequate education." 591 F.Supp. at 1473.

---

[5] The plaintiffs made exceptions for schools for children who are blind or deaf, for those who are medically fragile and for the physically abusive.

IV. RECOMMENDATIONS

A. ACTION urges Congress to take strong and unequivocal action to reinforce the absolute need to maintain the full continuum of educational placements and related services based on multidisciplinary assessment of individual children's needs. ACTION feels that what is needed to better carry out the goals of IDEA is better enforcement of the current law, enforcement without a federal bias towards any particular delivery model.

B. However, if Congress contemplates amending IDEA with respect to placement decisions, then ACTION (i) strongly urges Congress to preserve the full continuum of alternative placements and services and (ii) requests the opportunity to present additional testimony favoring amendment of IDEA to explicitly include as part of the statute the current regulatory language that assures preservation of the full continuum of alternative placements and services.

C. ACTION asks this committee to reject mandatory or first option inclusion by providing report language that clearly establishes the view of Congress that IDEA:

- Does not require elimination of self-contained special education classes and schools;
- Does not require first failing in regular education before being placed in another, more appropriate placement;
- Does require, through regulatory language, provision of the full continuum of alternative placements and services;
- Does require placement in appropriate programs that are based on the needs of the individual child; and

- Does ensure that qualified personnel are teaching and providing appropriate related support services to children with disabilities

D. Finally, ACTION recommends the expansion of comprehensive research efforts similar to the Transition Study. (Wagner, 1992-93). Congress should encourage the Department of Education to establish a priority in research funding on the investigation of the effects of all services and placement options on the attainment of appropriate student achievement outcomes. Such research should consider factors such as staffing patterns, utilization of related services, cultural and ethnic diversity, gender, disability, and geographic differences.

Thank you for giving us the opportunity to comment on this critical issue. ACTION looks forward to working with you to ensure that children with disabilities continue to receive a free appropriate public education that is based on their individual needs, as required under IDEA.

References

Easterbrook, S. & Baker-Hawkins, S. (ed.). Deaf and Hard of Hearing Students: Educational Service Guidelines. National Association of Directors of Special Education. In print. October, 1994.

Rothstein, A.S., Falvo, R.C. and Wirtzer, J., Evaluating Postsecondary Education and Employment for High School Graduates with Physical Disabilities. In Print. May, 1994.

U.S. Department of Education, Deaf Students Education Services, Policy Guidance, 57 Fed. Reg. 49274 (October 30, 1992).

Wagner, M., 1992-1993. National Longitudinal Transition Study of Special Education Students. SRI International, Menlo Park, CA, various publications.

Ysseldyk, Christenson & Thurlow, Student Learning in Context Needed Project. College of Education, University of Minnesota. 1993.

ACTION MEMBER ORGANIZATION LIST

ALL - Affiliated Leadership League of and for the Blind of America **

Ronald L. Alter, M.A. **
Executive Director
The Deron School of New Jersey, Inc.
130 Grove Street
Montclaire, NJ 07042
(201) 509-2777
FAX (201) 509-2515

Amie Amiot **
American Speech, Language
and Hearing Association
10801 Rockville Pike
Rockville, MD 20852
(301) 897-5700 x 104
FAX (301) 571-0457

Beth Bader, Policy Analyst
American Federation of Teachers
555 New Jersey Ave., N.W.
Washington, D. C. 20001
(202) 879-4561
FAX (202) 879-4537

Gordon Baker **
New York State Association of
Educators for the Deaf
c/o New York State School for the Deaf
401 Turin St.
Rome, NY 13440
(315) 337-8400
FAX (315) 336-8859

Sharon Baker Hawkins, Past President **
American Society for Deaf Children
FAX (916) 989-2128

Al Berke, Board Member **
National Association of the Deaf
814 Thayer Avenue
Silver Springs, MD 20910
(301) 587-1788
FAX (301) 587-1791
TTY (301) 587-1789

Michael Bienenstock **
The National Organization for the
Advancement of the Deaf, Inc.
8360 Kings Heights Road
Ellicott City, MD 21043
V/TTY (410) 750-6257
FAX (410) 494-8127

Nancy Bloch, Executive Director **
National Association of the Deaf
814 Thayer Avenue
Silver Springs, MD 20910
(301) 587-1788
FAX (301) 587-1791
TTY (301) 587-1789

Francis Bourne, President **
Maryland School for the Deaf -
Parents Teacher Child Association
9013 Grape Creek Road
Walkersville, MD 21793
(301) 845-6345

Philip W. Bravin, Executive Director **
National Captioning Institute, Inc.
5203 Leesburg Pike - 15th Floor
Falls Church, VA 22041
(703) 998-2466
FAX (703) 998-2458

Peter Brinkerhoff
Corporate Alternatives
301 West Cook Street
Springfield, Ill 62704-2527
(217) 544-5687

James R. Butters, Director **
Hunterdon Learning Center
37 Hoffmans Crossing Rd.
Califon, N.J. 07830-9220
(908) 832-7200
FAX (908) 832-9772

CAID - Convention of American Instructors **
of the Deaf
c/o Gertrude Galloway, Superintendent

Marie Katzenbach School for the Deaf
CN 535
Trenton, N.J. 08625-0535
(609) 530-3112
FAX (609) 530-5791
TTY (609) 530-6620

Barbara B. Caldwell, President **
National Cued Speech Association
P.O. Box 31345
Raleigh, NC 27622-1345
(919) 828-1218
FAX (919) 828-1862

Jose Camacho, Parent **
New York Institute for Special Education
30 Richman Plaza
Bronx, N.Y. 10453
(718) 583-2505
FAX 231-9314

Lori Carver-Johnson **
Director of Federal Affairs
Children and Adults with Attention Deficit Disorders
5705 Oak Lether Drive
Burke, VA 22015-2315
(703) 239-2750 SAME
FAX (703) 239-2750

Myra Cardin, Executive Director **
Maryland Association of Non-Public Special
Education Facilities
P.O. Box 6815
Towson, MD 21285-6815
(410) 938-4413
FAX (410) 938-4610

William E. Castle, Director **
National Technical Institute for the Deaf
52 Lomb Memorial Drive
Rochester, N.Y. 14623
(716) 475-6400
FAX (716) 475-4944

Barbara Cheadle **
National Federation of the Blind
1800 Johnson Street
Baltimore, MD 21230
(410) 659-9314
FAX (410) 685-5653

Evelyn Cherow, Director of Audiology Division ••
American Speech, Language and Hearing Association
10801 Rockville Pike
Rockville, MD 20852
(301) 897-5700
FAX (301) 571-0457

Jeff Cohen, President ••
American Society for Deaf Children
11 Covered Bridge Path
Philadelphia, PA 19115
H (215) 464-6072
O (215) 963-8538
FAX (916) 989-2128

Oscar Cohen, Superintendent ••
Lexington School for the Deaf
30th Ave. and 75th St.
Jackson Heights, NY 11370
(718) 899-8800
FAX (718) 899-1621

Pam Cooke
United Mental Health
1945 5th Avenue
Pittsburg, PA 15219
(412) 391-3820
FAX (412) 391-3820

Harvey Corson, Vice President ••
Pre-College Programs
Gallaudet University
Kendall Green and Florida Avenue NE
Washington, DC
(202) 651-1346
FAX (202) 651-5457

William R. Craig, Ph.D. ••
President
Lakemary Center, Inc.
100 Lakemary Drive
Paola, Kansas 66071
(913) 294-4361
FAX (913) 294-4910

R. Jean Cummins, President ••
Jacksonville Area Chamber of Commerce
155 W. Morton Street
Jacksonville, IL 62650
(217) 245-2174
FAX (217) 245-0661

David Curry, Legislative Chairperson **
New York State Association of Educators of the Deaf
436 Merchants Rd.
Rochester, NY 14609
H (716) 288-5380
TTY (716) 544-1240

Shawn Davies **
Coalition of Equal Education for Deaf Students
5569 Gloucester St.
Churchton, MD 20733
H (301) 261-9865
O (202) 651-5399
FAX (202) 651-5457

Robert R. Davila, Headmaster **
New York School for the Deaf
555 Knollwood Rd
White Plains, NY 10603
(914) 949-7301
FAX (914) 949-2331
TDD (914) 949-7310

Deborah N. DeWitt, Education Director **
The Maryland Salem Children's Trust
Lower New Germany Road
Star Route Box 60C
Frostburg, Maryland 21532
(301) 689-8176
FAX (301) 689-1902

Donald J. DeSanto, Executive Director **
The Rugby School
Belmar Blvd. & Woodfield Avenue
P.O. Box 1403
Wall, New Jersey 07719
(201)938-2443
FAX (201) 938-2499

Linda Di Cecco, Parent **
11 Chaloner Court
Cranston, RI 02921
(401) 946-6968
TTY (401) 942-3984
FAX (401) 946-7090 (Fax is at a store - call home before faxing)

Donna DiMarco Thompson, President/Parent **
Lexington School for the Deaf

Parent/Staff Association
241-14 - 87th Avenue
Bellerose, N.Y. 11426
(718) 343-3480 (Home)
(718) 899-8800 Lexington School
FAX c/o Lexington School - (718) 899-9846

Margery Doss, Coordinator **
Lawrence Hall Youth Services
4833 North Francisco Avenue
Chicago, Illinois 60625-3698

Jack Duncan
Duncan & Associates
1213 - 29th Street, N.W.
Washington, DC 20007
(202) 333-5841
FAX (202) 331-5881

Susan Ennis **
Maryland School for the Deaf - Parent
7962 Mill Stream Court
Elkindge, MD 21227
TTY (410) 799-5563

Sam Fava **
Maryland School for the Deaf - Parent
8838 Satyr Hill Road
Baltimore, MD 21234
(410) 668-3834

Dr. Marie Ficano **
Executive Director
St. Charles Educational & Therapeutic Center
501 Myrtle Avenue
Port Jefferson, New York 11777
(516) 331-6569
FAX (516) 331-6865

Mickey Fields **
Maryland School for the Deaf - Parent
1500 Featherwood St.
Silver Spring, MD 20904
H (301) 622-4629
O (202) 651-3163 ,
FAX (202) 651-5541

Joseph Fischgrund, Headmaster **
Pennsylvania School for the Deaf
100 West School House Lane
Philadelphia, PA 19144
(215) 951-4705
FAX (215) 951-4708
TTY (215) 951-4703

John Francis, Vice President **
The Children's Home Association of Illinois
2130 North Knoxville Avenue
Peoria, IL 61603
(309) 685-1047
FAX (309) 685-1596

Dave Frank, Coordinator of Training and Outreach **
Gallaudet University, Continuing Education and Outreach
800 Florida Ave., NE
Washington, DC 20002
(202) 651-5733
FAX (202) 657-5044

Dr. Dulcie A. Freeman, Executive Director **
ECLC of New Jersey
302 North Franklin Turnpike
Ho-Ho-Kus, N.J. 07423
(201) 670-7880
FAX (201) 670-6675

Gertrude S. Galloway, Ph.D., Superintendent **
Marie H. Katzenbach School for the Deaf
CN 535
Trenton, NJ 08625 - 0535
(609) 530-3112
FAX (609) 530-5791
TTY (609) 530-6620

Peter Gerhardt, Director of Employment Services **
Eden Family of Services
Autism Society of America (Board Member)
1 Logan Drive
Princeton, NJ 08540
(609) 987-0099
FAX (609) 987-0069

David C. Grow, Chairperson **
New York State School for the Deaf
401 Turin Street
Rome, N.Y. 13440
(315) 337-8400
TDD (315) 337-8859

Dr. Robert L. Guarino, Executive Director ••
The New York Institute for Special Education
999 Pelham Parkway
Bronx, NY 10469-4998
(718) 519-7000
TTY (718) 519-2415
FAX (718) 881-4219

Debra Guthmann, President ••
ADARA-American Deafness and Rehab Association
P.O. Box 251554
Little Rock, Arkansas 72225
V/TDD (501) 868-8850
FAX (501) 868-8812

Sandy Harvey, Executive Director/Parent ••
American Society for Deaf Children
140 Silva Ct.
Folsom, CA 95636
(916) 989-2128
FAX (916) 989-2128

Cecelia Hawkins ••
Parent
Black Deaf Association
714 East 43rd St.
Brooklyn, NY 11203
(718) 282-7059

Bridget Helmholz ••
Associate Director
Child Care Association of Illinois
300 East Monroe - Suite 202
Springfield, IL 62701
(217) 528-4409
FAX (217) 528-6498

Doin Hicks ••
Conference of Educational Administrators Serving the Deaf
737 Tyler Pt. Rd.
Box 178
Deale, MD 20751
H (410) 867-2941
O (202) 651-5020
FAX (202) 651-5708

**

Cynthia Hilsabeck
Administrator of Education/Day Service
Marklund Learning Campus
230 East Pine Street
Roselle, Illinois 60172
(708)307-1887
FAX(708)307-6491

**

Dr. D. L. Holmes, President
Eden Family of Services
Eden Institute, Inc.
One Logan Drive
Princeton, NJ 08540
(609) 987-0099
FAX (609) 987-0243

**

T. Alan Hurwitz
Associate Dean for Student Affairs
National Technical Institute for the Deaf
52 Lomb Memorial Drive
Rochester, NY 14623
(716) 475-6400
TTY (716) 475-6443
FAX (716) 475-5978

Anne S. Hyde
North Carolina Department of Public Instruction
Western Technical Assistance Center
118 Main Street
Canton, NC 28716-4489
(704) 648-9424
FAX (704) 648-9429

**

Jay Innes
National Association of the Deaf - Consumer Action Network
Gallaudet University, Department of Education
800 Florida Ave., NE
Washington, DC 20002
H (301) 322-5945
O (202) 651-5530
FAX (202) 651-5860

**

Linda J. Jacobs, Ed.D.
Director
The Harbour School
1277 Green Holly Drive
Annapolis, Maryland 21401
(410) 974-4248
FAX (410) 757-3722 - (Call Before Faxing)

83-885 O - 94 - 7

Wilma Jeff, Parent Educator **
New York Institute for Special Education
999 Pelham Parkway
Bronx, NY 10469-4998
(718) 519-7000
TTY (718) 519-2415
FAX (718) 231-9314

Lonnie J. Johns
Illinois Manufacturing Association
P.O. Box 340
Jacksonville, Illinois 62651
(217) 245-7133
FAX (217) 243-7596

Dr. William P. Johnson **
President, CEASD
Iowa School for the Deaf
1600 South Highway 275
Council Bluffs, IA 51503
(712) 366-2818
FAX (712) 366-3218

Wardell Jones **
Parent
Black Deaf Association
714 East 43rd St.
Brooklyn, NY 11203
(718) 282-7059

Bernadette M. Kappen **
Director
Overbrook School for the Blind
6333 Malvern Avenue
Philadelphia, PA 19151-2597
(215) 877-0313
FAX (215) 877-2709

Evelyn Kays-Battle **
Executive Director
Reginald S. Lourie Center
for Infants and Young Children
11710 Hunters Lane
Rockville, Maryland 20852
(301) 984-4444
FAX (301) 881-8043

Kathy Kellogg
New York School for the Deaf - Parent
555 Knollwood Rd.
White Plains, NY 10603
(914) 949-7310
FAX (914) 949-2331

Michael Kerrigan
Kerrigan and Associates
803 Prince Street
Alexandria, VA 22314
(703) 836-3598

Sherry Kolbe, Executive Director
National Association of Private Schools for Exceptional Children
1522 K St., NW, Suite 1032
Washington, DC 20005
(202) 408-3338
FAX (202) 408-3340

Janet Labriola
New York School for the Deaf - Parent
485 Bronx River Rd.
Yonkers, NY 10704
(914) 237-5061

Denise Lamont, Board Member/Parent
Maryland School for the Deaf
Box 527
Deale, MD 20751
(410) 867-4813
FAX (302) 620-8575

David Larson
c/o Duncan and Associates
1213 29th Street, N.W.
Washington, DC 20007
(202) 333-5841
FAX (202) 333-5881

Susan Laventure
National Association for Parents
of the Visually Impaired
c/o Perkins School for the Blind
175 Beacon Street
Watertown, MA 02172
(617) 972-7441
FAX (617) 972-7444

Richard D. Lavoie, Executive Director **
Riverview School, Inc.
551 Route 6A
East Sandwich, MA 02537
(508) 888-0489
FAX (508) 888-1315

Lawrence J. Leary, Executive Director **
Harmony Hill School
63 Harmony Hill Road
Chepachet, RI 02814
(401) 949-0690
FAX (401) 949-2060

Robert F. Littleton **
Executive Director
Evergreen Center, Inc.
345 Foutune Boulevard
Milford, MA 01757
(508) 478-2631
FAX (508) 634-3251

Christine E. Lord
Director, Government Relations and Public Affairs
National Center for Learning Disabilities
6616 Saddlehorn Ct.
Burke, VA 22015
(703) 451-2078
FAX (703) 866-2468

Richard Lytle **
Gallaudet University, ACE-DHH
4300 Tuckerman St.
University Park, MD 20782
O (202) 651-5530
H (301) 779-4623

Carol Madison, Executive Director **
Illinois Center for Autism
548 South Ruby Lane
Fairview Heights, IL 62208
(618) 398-7500
FAX (618) 398-7502

Patricia A. Maher, Director **
Durand Academy, Inc.

James V. Major, Executive Director **
Massachusetts Association of 766 Approved Private Schools (MAAPS)
17 Lakeside Office Park
Wakefield, MA 01880-1302
(617) 245-1220
FAX (617) 245-5294

Frank Manginaro, President **
Parent Staff Association
St. Joseph's School for Deaf Children, Inc.
1000 Hutchinson River Parkway
Bronx, N.Y. 10465
(718) 828-9000
FAX (718) 792-6631

Christine Manlove, Ed.D., Principal **
St. Elizabeth School & Rehabilitation Center
801 Argonne Drive
Baltimore, MD 21218
(410) 889-5054
FAX (410) 889-2356

Charlene Marcum, President **
New York State Association of
Educators of the Deaf
25 Barnwell Lane
Stony Brook, NY 11790
V/TTY (516) 751-6683
FAX (516) 581-1386

Scott Marshall, Associate Executive Director **
American Foundation for the Blind
1615 M St., Suite 251
Washington, DC 20036
(202) 457-1498
FAX (202) 457-1492

Patricia Martin **
Executive Director
St. Joseph's School for the Deaf
1000 Hutchinson River Parkway
Bronx, N.Y. 10465
(718) 828-9000
FAX (718) 792-6631

Robert Mather **
Parent
4418 Walsh St.
Chevy Chase, MD 20815
(301) 951-7248

Brian McCartney, Superintendent **
Michigan School for the Deaf &
Michigan School for the Blind
Lansing, MI
(517) 334-6630
FAX (517) 334-6990

Winfield McChord,Jr., Executive Director **
American School for the Deaf
139 N. Main St.
West Hartford, CT 06107
(203) 727-1304
FAX (203) 727-1301

Robert C. McIntyre, Executive Director **
Oakwood School
Children's Achievement Center
7210 Braddock Road
Annandale, VA 22003
(703) 941-5788
FAX (703) 941-4186

Sean McLaughlin, Center Director **
The Frost School
4915 Aspen Hill Road
Rockville, MD 20853
(301) 933-3451
FAX (301) 933-3330

Gene McMahon, Assistant Executive Director **
The New York Institute for Special Education
999 Pelham Parkway
Bronx, NY 10469-4998
(718) 519-7000
TTY (718) 519-2415
FAX (718) 231-9314

Kathy Megivern, Executive Director **
Association for the Education and Rehabilitation of the Blind
and Visually Impaired
206 N. Washington Street
Suite #320
Alexandria, VA 22314
(703) 548-1884
FAX (703) 683-2926

Herbert Miller, Co-Chairman **
Choices for Children
c/o St. Joseph's School for the Blind
Executive Director
253 Baldwin Avenue
Jersey City, NJ 07306-1388
(201) 653-0578
FAX (201) 653-4087

Carl Mores, Executive Director **
Cotting School, Inc.
453 Concord Avenue
Lexington, Massachusetts 02173
(617) 862-7323
FAX (617) 861-1179

Harold Mowl, Superintendent **
Rochester School for the Deaf
1545 St. Paul St.
Rochester, NY 14621
(716) 544-1240
FAX (716) 544-0383

Linda Mulhauser **
69 Fifth Ave.
New York, NY 10003
(212) 366-5302

Pamela Murray, President **
Attention Deficit Disorder Advocacy Group
15772 East Crestridge Circle
Aurora, Colorado 80015
(303) 690-7548

Nick Nicolai **
National Association for Parents of the Visually Impaired
4145 Elizabeth Ln
Annnandale, VA 22003
H (703) 323-6162
O (703) 412-3586
FAX (703) 412-3590

Jerome Nitzberg **
214-32 43rd Avenue
Bayside, NY 11361

Corinne Norton **
School Psychologist & Family
Services Coordinator
Focus Point School
Crownsville Hospital Center
1400 General's Highway
Crownsville, Maryland 21032
(410) 987-2166 (Home)
(301) 621-7626 (Work)
FAX (301) 621-7596

Richard J. Palmer **
Executive Director
Stetson School, Inc.
455 South Street
Barre, Massachusetts 01005-0309
(508) 355-4541
FAX (508) 355-2706

Stephen Perreault **
National Coalition on Deaf-Blindness
175 North Beacon Street
Watertown, MA 02172
(617) 972-7359
FAX (617) 923-8076

Michael Petell **
Director of Development and Public Relations
The New York Institute for Special Education
999 Pelham Parkway
Bronx, NY 10469-4998
(718) 519-7000
TTY (718) 519-2415
FAX (718) 231-9314

John Phelan, Parent **
c/o American School for the Deaf
139 North Main Street
West Hartford, CT 06107
(203) 727-1300
FAX (203) 727-1301

Mark Prowatzke, Superintendent
Mill Neck Manor School for Deaf Children
Frost Mill Road - Box 12
Mill Neck, NY 11765
(516) 922-4100
FAX (516) 922-4172

John M. Pumphrey, Director
Villa Maria School
2300 Dulaney Valley Road
Timonium, MD 21093-2799
(410) 252-6343
FAX (410) 560-1347

Patti Richards
Learning Disabilities Association
4307 Dahill Pl.
Alexandria, VA 22312
(703) 642-1296

Lauretta Randolph
The New York Institute for Special Education - Parent
1580 Metropolitan Ave., Apt. 7h
Bronx, NY 10462
(718) 863-3102

Barbara Raimondo, Legislative Chair
American Society for Deaf Children
128 North Abington St.
Arlington, VA 22203
(703) 528-0170

Reginald Redding
National Technical Institute for the Deaf - CEASD
52 Lomb Memorial Drive
Rochester, NY 14623
(716) 475-6988
FAX (716) 475-7410

Donna Ree, Chairperson
Chicago Issues Association
Ada S. McKinley Community Service, Inc.
Administrative Office
725 South Wells Street
Chicago, Illinois 60607-4521
(312) 554-2331
FAX (312) 554-0292

BEST COPY AVAILABLE

Richard J. Robinson, Executive Director **
Stetson School, Inc.
P.O. Box 309
Barre, MA 01005
(508) 355-4541
FAX (508) 355-2706

Daria Rockholz **
Director of Education
Connecticut Association of Private
Special Education Facilities
P.O. Box 586
Brookfield, CT 06804
(203) 740-1048
FAX (203) 781-4792

A. Hewitt Rose **
Parents for Options in Special Education
9020 Honeybee Lane
Bethesda, MD 20817
202-342-0800
FAX (202) 342-0807

Roz Rosen **
Gallaudet University - VPAA
800 Florida Ave., NE
EMG Room 202
Washington, DC 20002
(202) 651-5085
FAX (202) 651-537

Andrew Rothstein, Superintendent **
Henry Viscardi School
201 I.U. Willets Rd.
Albertson, NY 11507-1599
(516) 747-5400
FAX (516) 742-329

Jim Rothwell, Board Member **
American Society for Deaf Children
9158 Bloom
Burke, VA 22015
(703) 764-2159

Marilyn Sas-Lehrer **
Association of College Educators:
Deaf & Hard of Hearing
Department of Education
Gallaudet University
800 Florida Avenue, N.E.
Washington, D.C 20002
(202) 651-5530
FAX (202) 651-5860

Fred Schroeder, Commissioner **
National Federation of the Blind
c/o New Mexico Commission for the Blind
Pera Building, Room 553
Santa Fe, NM 87503
(505) 827-4479
FAX (505) 827-4475

Paul Schroeder, Governmental Affairs Director **
American Council of the Blind
1155 15th St., Suite 720
Washington, DC 20005
(202) 467-5081
FAX (202) 467-5085

Larry Siegel, Esq. **
American Society for Deaf Children
1010 B, #400
San Rafael, CA 94701
(415) 457-5313
FAX (415) 258-4772

Irene Spencer, State President **
Learning Disabilities Association
2314 Birch Drive
Baltimore, MD 21207
(410) 265-6193
FAX (410) 265-8188

Susan J. Spungin, Associate Executive Director **
American Foundation for the Blind
15 West 16th St.
New York, NY 10011
(212) 620-2031
FAX (212) 727-1279

Richard Steffan, Deputy Superintendent **
Maryland School for the Deaf
P.O. Box 250
Frederick, MD 21705 - 0250
H (301) 622-4625
O (301) 662-4159
FAX (301) 663-6602

Nora Tegni **
New York School for the Deaf - Parent
7 Forbes Rd.
New City, NY 10956
(914) 352-5310

Vicky E. Thomas **
9418 118th Street
Richmond Hill, N.Y. 11419
(212) 698-4494
FAX (718) 988-9846

Donna Thompson **
Lexington School PSA Representative
241-14 - 87th Avenue
Bellerose, N.Y. 11426
(718) 343-3480 (Home)
FAX (718) 899-9846

Thomas C. Timmons, Executive Director **
Westchester School for Special Children
45 Park Avenue
Yonkers, New York 10703
(914) 376-4300
FAX (914) 965-7059

Benna Timperlake **
American Society for Deaf Children
110 Amistal
Corpus Christi, TX 78404
(512) 882-5402

Candace Tucker **
Maryland School for the Deaf - Parent
18243 Lost Knife Circle
Gaithersburg, MD 20879
H (301) 330-3017
FAX (202) 857-6395

Margaret Tuit **
New York School for the Deaf - Parent
632 Warburton Ave.
Yonkers, NY 10701
O (914) 968-1802
H (914) 423-1539

Tish Turner, Principal
Vocational Training Department
Woodrow Wilson Rehabilitation Center
Fishersville, VA 22939
(703) 332-7000
FAX (703) 332-7441

Lou Tutt, Superintendent **
Maryland School for the Blind
3501 Taylor
Baltimore, MD 21236
(410) 444-5000
FAX (410) 426-4807

David R. Updegraff, President **
St. Mary's School for the Deaf
2253 Main Street
Buffalo, N.Y. 14214
(716) 834-7200
FAX (716) 834-2720

Olga Millan Vega-Parent **
New York Institute for Special Education
1123 Underhill Ave.
Bronx, NY 10472
(718) 931-0761
FAX (718) 231-9314 (NYISE)

Kevin Vriece **
Gallaudet University - Kendell School Parent
14008 Northwyn Drive
Silver Spring, MD 20904
(301) 384-6893

Martha Vincent **
New York School for the Deaf - Parent
300 Pelham Rd #1P
New Rochelle, NY 10805
TTY (914) 632-3817

Mimi Wang, Principal **
United Cerebral Palsy of Central Maryland
Delrey School
18 Delray Avenue
Baltimore, Maryland 21228
(410) 744-3151
FAX (410) 744-8467

David F. Weeks, Director **
The Gramon School
346 East Mount Pleasant Avenue
Livingston, NJ 07039
(201) 533-1313
FAX (201) 535-1385

David W. Winikur, Co-Director **
High Road Schools
East Brunswick, NJ 08816
FAX (908) 274-9610

James Wolff, Program Director **
The Children's Annex
70 Kikuk Lane
Kingston, NY 12401
(914) 336-2616
FAX (914) 336-4153

TESTIMONY ON INCLUSION

TO: House Subcommittee on Select Education and Civil Rights

FROM: Jill R. Barker
2620 Hickory Road
Ann Arbor, MI 48103

DATE: May 10, 1994

I am the parent of two boys, 9 and 17 years old, who are severely mentally and physically handicapped. They attend a separate school for severely handicapped children and young adults in Ann Arbor.

Inclusion, the idea that all handicapped children can and should be educated in regular classrooms, has been the subject of much controversy and discussion in Michigan for the last five years.

It has brought notoriety and special funding to advocacy organizations and school districts which promote the idea, but children and parents have paid the price for the zealotry of inclusion advocates. I have not known of any issue that has so unnecessarily polarized parents of children with disabilities. I have never seen school administrators and advocates use the divisions between parents so deftly to further their own interests. I have never seen parents so willing to blame the problems they and their children have with schools, on other parents and their children.

In Washtenaw County where I live, center-based programs are being dismantled at the same time that services to children in inclusion programs are being cut back or denied. Proposals in Michigan to supposedly eliminate barriers to inclusion as an option for handicapped students, have had little to do with supporting disabled students in regular classrooms. These proposals are more about reducing services to special education students, reducing the qualifications of teachers and service providers so that our children will be served more cheaply by less qualified staff, making special education funds less accountable and therefore easier to play with, and further eroding the authority of the IEP Committee to make decisions for children based on their individual needs.

In my opinion, the proposals made by proponents of the Inclusion Movement nationally are aimed at weakening the individual protections assured by the Individuals with Disabilities Education Act, so that schools will have more "flexibility" in how they serve and place handicapped children and in how they spend

special education funds. The motivation of advocacy organizations which promote inclusion needs close scrutiny. Many organizations thrive on the controversy which inclusion generates. Parents who are well-informed about the law's protections do not need advocates to help them protect the rights of their own children. In my opinion, by weakening the individual protections in the law, advocates will gain more control over the people they claim to represent and will have more to do as a result.

The greatest barrier to assuring that all disabled children are appropriately served and placed, has been the reluctance of the U.S. Department of Education to enforce compliance with the requirements of federal law. Because many large advocacy groups receive funding from government agencies, they have also been reluctant to fight forcefully for better monitoring and enforcement of existing laws and regulations.

PL 94-142 assures that no child can be removed from regular education unless the nature or severity of his handicap is such that he cannot be satisfactorily educated in that setting. The law and regulations prohibit schools from serving and placing children according to labels and require that when a child is placed in a regular classroom, all the modifications the child needs must be included in the IEP. It is not necessary to sacrifice an appropriate education for children whose needs cannot be met by full-time placement in regular classrooms, so that children who do need regular classroom placement can be accommodated. <u>I.D.E.A. and its regulations do not need to be changed to ensure appropriate placements for all children!</u>

The lack of enforcement of federal law has resulted in widespread non-compliance with the Act's provisions. Parents are not informed of the provisions of federal law which allow them to protect their children's rights and they have often been misinformed about the law and its regulations. Because IEP's are generally written to include only those services which schools find convenient to provide, handicapped children do not receive all the services to which they are entitled. When schools refuse to identify all the services children need, they have no way of prioritizing expenditures so that these needs are met. As a result we have school districts spending more and more on "special education", while students with disabilities receive less and less help.

I URGE THE HOUSE SUBCOMMITTEE ON SELECT EDUCATION AND CIVIL RIGHTS TO REFRAIN FROM PROPOSING ANY CHANGES TO I.D.E.A. AT THIS TIME. The individual protections in the law and its regulations can assure, if properly enforced and implemented, an appropriate education to all disabled children.

If any changes to the law are going to be considered, I recommend that the Subcommittee first do the following:

Hold well-publicized regional hearings where individuals directly affected by the law are encouraged to participate, so that the

Subcommittee has an accurate picture of the problems facing parents and their disabled children.

Study compliance reports from a variety of states and actions recommended by the U.S. Department of Education to correct compliance problems. Are states being held accountable for compliance problems which cause harm to handicapped children? Do states follow through in a timely manner to correct compliance problems? Does the U.S. Department of Education penalize states which do not correct compliance problems? Are monitoring activities by the U.S. Department of Education effective or do monitoring teams merely go through the motions of monitoring because they are required to do so?

Determine how much of the money Congress allocates for all activities related to special education is actually spent on providing direct services to disabled children. Is it worthwhile to spend so much federal money on other activities, when the primary responsibility of the federal government is to protect the rights of handicapped children by enforcing the law and to provide assistance to states to help cover the excess costs of providing services to disabled children?

AGAIN, I URGE THE SUBCOMMITTEE TO REFRAIN FROM PROPOSING ANY CHANGES TO I.D.E.A..

Jill R. Barker
(313) 496-5561

TESTIMONY ON INCLUSION

TO: House Subcommittee on Select Education and Civil Rights

FROM: Jill R. Barker
2620 Hickory Road
Ann Arbor, MI 48103
Jill R Barker

Marie McKeever
3124 Salisbury Ct.
Fremont, California 94536

DATE: May 10, 1994

The following article is about the role government-funded advocacy organizations have played in promoting policies such as inclusion. It will be distributed later this month in PARENT WATCH, a flyer for parents of disabled children and adults. Jill Barker is the parent of two sons who are severely mentally and physically handicapped. Marie McKeever is the parent of a son with severe learning disabilities and a daughter with health and learning problems.

****

PARENT WATCH

May 1994

In the mid-1970's, Congress passed many laws protecting the rights of disabled citizens and increased the funding available to states and local governments to improve and expand services to people with disabilities. At the same time it created opportunities for disability organizations to receive government funding for advocacy and other activities.

Over the years many advocacy groups have grown into large, professionally run organizations which have come to rely more on government and other public sources of funding than on the financial and moral support of the people they claim to represent. The interests of these groups have become so intertwined with the interests of government bureaucracies and professionals in the disability business, that we have difficulty telling them apart.

Although we have received, at one time or another, valuable information and encouragement from individuals who work for advocacy groups, we do not believe that the organizations can be counted on to protect the interests of our children and families.

In this issue of PARENT WATCH we will look at advocacy groups, the ideology they promote, and the often harmful effects their activities and ideology have on people with disabilities and their families.

WITH FRIENDS LIKE THESE...

As parents of handicapped children and adults, we often feel like we are treading water in stormy seas, holding our kid's head up with one hand and beating off sharks with the other. At times like these, nothing looks better than a good Samaritan with a lifeboat who not only offers to pull us out of the water, but says he wants only the best for ourselves and our children and will do everything in his power to see that we never have to face drowning again.

For many of us that good Samaritan with the lifeboat is an advocate, but in real life the story often takes an odd twist. We find out the advocate is operating lifeboats under a government grant that is about to expire. His next grant authorizes him to rescue children lost in the woods and he no longer has money to spend on rescues at sea. The next time we find ourselves at sea, there is no lifeboat and no advocate, although we do hear about the fine work the advocate is doing rescuing children lost in the woods.

It is as difficult for a parent of a handicapped child to be critical of an advocacy organization as it is to criticize a good Samaritan with a lifeboat. After all, what kind of snippy little ingrate would question the motives of people who are fighting for justice and equality for people with disabilities? For most of us, there are times when just getting out of bed in the morning and doing all the things we have to do takes heroic effort. After battling schools, doctors, social workers, and others in the helping professions, who wants to take on a group of people who are generally regarded as saints because they dedicate their lives to "those people"?

The reason we have decided to "take on" the advocates and to encourage other parents to question their activities, is because of our experience with advocacy organizations over the last decade. Many groups which once focused on providing help and information to handicapped people and their families, now focus on supporting the careers of people in the advocacy business. These groups espouse an ideology that is not based on either principle or a truthful assessment of the problems facing people with disabilities, but on the need by advocates to ensure a steady flow of funding to their organizations and an ever-expanding role for themselves.

CONFLICTS OF INTEREST: DO THE ORGANIZATIONS REALLY SPEAK FOR PARENTS?

There are many reasons why parents should take a hard look at advocacy organizations.

While many disability groups claim to represent our interests, we do not know of any organizations that operate as representative democracies. Even for the minority of parents who are members,

the views of these organizations often reflect only a small segment of their membership and sometimes represent only the opinions of their paid staff.

When advocacy organizations accept funding from government and sources other than the people they are intended to serve, some obvious questions arise over possible conflicts of interest. For whom do the organizations work - the government and other agencies which provide them with funding, or people with disabilities and their families? Do these groups act in response to the problems we and our children face, or are their activities instead calculated to take advantage of funding opportunities made available for purposes determined by the funding agencies? Can an organization which accepts government funds be a watchdog over the potentially abusive power of government, or will it adopt an attitude of self-serving cooperation in order to insure continued funding?

In many instances, the relationship between advocacy organizations and ourselves is clearly exploitive. We are often seen as either boosters for the organizations, or as potential troublemakers who could threaten the standing of advocates as our representatives. Rather than encouraging the full participation of people with disabilities and their parents in the organizations, many advocacy groups seek out only those who conform to the beliefs and opinions of the advocates who run the organizations.

When advocacy groups no longer rely on the financial support of the people they are intended to serve, they do not have to be accountable to them in how they spend their money. For example, funding agencies often allow an organization to provide the director of even a small local advocacy group with substantial compensation in salary and perks, while the people who are supposedly represented by the organization have little say in whether this is a worthwhile expenditure.

The money spent on advocacy groups is often used in ways that set advocates apart from the people they claim represent. It supports a lifestyle for advocates that few of us can afford. It allows advocates to travel to conferences and meetings in attractive settings where they dine and stay in fine hotels at the expense of their organizations. It allows them to associate with important and powerful people. Advocates, feeling they are also important and powerful, have difficulty resisting the idea that they really know better than we do about what is best for our children and families.

Government funding has provided many advocacy organizations with the financial resources to influence changes in disability policies. Legislators and other policy-makers usually assume that advocates speak on our behalf and the organizations are happy to keep them thinking that way. The advocates are readily available to comment on disability issues and they are easy to listen to. Policy-makers do not have to sort through the diversity of opinions held by parents and people with disabilities and they are spared from having to listen directly to too many disabled people

and family members, who are often frightened and emotional when they talk about the difficulties they face. Furthermore, influential advocacy groups have the leverage to label as bigoted anyone who questions them and their ideology. Not surprisingly, changes to disability laws over the last decade have incorporated the ideology of government-supported advocacy groups, expanded the role of advocacy organizations, and made new funding available to them.

Even when parents and the disabled do participate in influencing public policy, they often do so as representatives or employees of the organizations, or they are selected by advocacy groups to participate because they support the causes the groups are promoting.

Although changes in disability laws can have a profound effect on our children and our families, we are generally excluded from having a say, because legislators do not actively solicit our opinions. Legislators end up making decisions based primarily on information filtered through government-funded advocacy organizations and bureaucracies which have a financial stake in how the laws are worded and funded. When independent views are not heard, or are not given the attention they deserve because the people presenting these views lack political clout, legislators enact laws without the full benefit of the insights and experience of individuals who are directly affected

DO ADVOCACY ORGANIZATIONS LISTEN TO PARENTS?

We often hear advocates claim that their ideas about disabled people and the policies the organizations promote are generally supported by parents. But the things that advocates say about our children and what we want for them often bear little resemblance to what we hear from other parents.

Many advocacy groups claim to believe that all people with disabilities are capable of achieving independence, productivity, and integration into the community. They say that all disabled people can and should make their own decisions. All handicapped children can and should live at home with their families and should be educated in regular classrooms. All adults with disabilities can live in the community and will become gainfully employed, if given support. Furthermore, many advocates assert that the problems of disabled people are caused primarily by the negative attitudes of the people around them, especially overprotective parents and service providers, rather than by the disability itself.

Based on their "beliefs", these organizations have decided that the most worthy goal toward which we must all strive is the transformation of all people with disabilities into productive, independent, and contributing members of society who are fully integrated into the mainstream of community life.

The "beliefs" of these advocates are based on grossly over-simplified generalizations and false assumptions about the widely diverse population of handicapped people. We suspect that the motivation for promoting these ideas comes less from a belief in their validity than from their usefulness in obtaining government funding for the organizations.

It appears that many advocates have decided that the easiest way to maintain public support for the organizations is to claim that advocates can lessen the financial burden of disability on society by turning all handicapped people into productive, tax-paying citizens. By creating a more positive and therefore more marketable image of people with disabilities, advocates can make the disabled more attractive to the public.

What we hear from parents is very different from what the advocates say. In our opinion, the advocates are not listening to us and certainly are not speaking for us.

Most of us want our children to be safe and happy and to lead a life which is fulfilling and meaningful. We want our children to be with people who love them, or at least will treat them with dignity and respect. We do not want our children to be abused, neglected, or exploited. We don't want them subjected to humiliation and ridicule, nor do we want them to feel ashamed of their disabilities.

We worry about what will happen to our children when we are gone, because we know about the awful things that happen to them when they are merely out of our sight.

While most parents want their children to be more independent, less isolated from other people, more capable of productive work, and better able to make a contribution to society, our experience with our own children grounds us in the reality that for some, the achievement of these goals is not possible or even desirable. Many of our children thrive on independence, but for others, independence may be life-threatening. A paying job for one could be the opportunity of a lifetime, but for another it could be a source of continual frustration and humiliation. For many, living normal lives in the community is a fulfilling achievement, but for others it brings only fear, loneliness, and danger. Our children's contributions to society may be great, but some of our children may only test the willingness of society to care for them humanely, with compassion and understanding.

In selling their ideas to the public, advocates have done nothing more than create a new stereotype of handicapped people. As with any stereotype, this one contains elements of truth. There are indeed many people with disabilities who can, with a little help from the rest of us, live fulfilling, productive, and independent lives in the community. Because of their disabilities, they often face discrimination in jobs, housing, and education. More tolerant and accepting attitudes by others might help to assure that disabled people are judged on their own capabilities rather than on preconceived ideas of what they can or cannot do.

On the other hand, the new stereotype is also harmful. It denies the individuality of people with disabilities. It dismisses the possibility that many disabled people do not fit the image that advocates have created for them. The vulnerability of many handicapped people to abuse, neglect, and other forms of unjust treatment does not fit the "positive" image which advocates promote. Advocates give the false impression that problems with abuse, neglect, and unjust treatment are no longer important, or that they have been dealt with successfully and they no longer merit the public's attention.

The goals which advocates have established - independence, productivity, and community living - are noble and inspiring. But are these the only goals worth striving for? Should any advocacy organization define goals for all disabled people? Do parents need to be told which goals they should have for their disabled children? Or are advocates really saying that only by pretending that all disabled people can reach these goals, can the organizations convince society that ~~the~~ people with disabilities are worthy human beings and deserving of the money spent on them and their advocates?

In our opinion, the idea that all handicapped people can achieve independence, hold down a job, and live their lives just like everyone else is a fantasy. Advocates are ensuring a never-ending flow of money to their organizations by promising to work toward goals which for many are unattainable. By blaming the problems of disabled people on the attitudes of others, advocates trivialize the impact disability has on the lives of the disabled and their families, thereby making it easier for the organizations to avoid dealing with the difficult problems disability can cause.

Many advocacy organizations have placed additional burdens on parents by making our jobs more difficult. Those of us whose children do not fit the advocates' stereotype end up having to fight not only bureaucracies, but also the organizations in our quest for appropriate services. Parents whose children have benefitted from the causes advocates promote often find that the organizations are reluctant to criticize programs advocates support, even when these programs fail to adequately meet the needs of our children. The organizations have too much stake in their success. Most importantly, the organizations and their ideology have diverted attention from some of the most pressing problems facing us and from many of the things that are most important to us.

GOVERNMENT-FUNDED ADVOCACY GROUPS: PUTTING THEM IN PERSPECTIVE

Advocacy organizations vary widely in how they operate and in the causes they promote. When an organization relies entirely on the resources of its members and other individuals who support its cause, we can be fairly sure that the organization is acting with the

best interests of its members in mind. To act otherwise would jeopardize its existence. No one could deny the legitimacy of such an organization or its usefulness to the people who support it.

On the other hand, when a disability organization decides to accept funding from government, conflicts of interest are inevitable. Although these organizations may claim to represent the interests of the disabled and their families, the interests of the organizations themselves often take precedence. Legislators and other policy-makers cannot rely on the accuracy of the sanitized version of reality they receive from these groups.

Because government-supported organizations exert so much influence on policy decisions, the opinions and insights of individuals who do not speak for organizations have been largely excluded from consideration by policy-makers. A sane and reasonable approach to the problems facing handicapped people and their families cannot be achieved unless these individuals are brought back into the process of determining disability policy. This will not be easy to do.

Parents and people with disabilities must have some assurance that their views will be considered, regardless of political clout. They need to have timely and reliable information about opportunities for public comment on disability issues. They need to be encouraged to participate even if they only have their own story to tell. Policy-makers have to be prepared to filter through the information they receive and draw their own conclusions about the direction disability policy should take.

Large professionally run advocacy organizations will continue to exert their influence on issues affecting them. But policy-makers need to ask them the same hard questions they ask any other special interest groups.

Federal and state legislators need to consider whether the funding allocated for use by disability organizations could be better spent on enforcing compliance with existing legislation and providing direct services to disabled people.

Without government help would these organizations tell the same story they do now? Would parents and their disabled children be worse off?

Section 504 of the Rehabilitation Act of 1973 and The Education for All Handicapped Children Act of 1975, which assured the rights of handicapped children and adults, came about through the efforts of parents, advocates, and other individuals, most of whom were not on the government payroll. With the growth of government-funded advocacy organizations, we have seen less parent participation in decision making, not more, and parents are less informed and are often misinformed about laws and regulations protecting their children's rights.

Furthermore, the dogma preached by advocacy organizations has been incorporated into disability policies and has resulted in fewer choices, fewer services to people with disabilities, more bureaucracy, less accessibility to agencies which provide services, and

a stifling of independent views. At the same time, more tax dollars have been spent that supposedly improve the lives of handicapped people and their families.

Parents have been part of the problem, too. Parents have a responsibility to protect their children's interests, but many have abdicated this responsibility to advocates, schools, and other agencies. Too many parents have given approval to advocates and the ideology they espouse, despite the obvious falsehoods and distortions, in hopes that approval will buy services for themselves and their children and will save them from the aggravation of having to fight their own battles.

There is nothing inherently wrong with parents and disabled people with similar problems and interests banding together. This is how most advocacy organizations got their start and it proved to be an effective way to make the changes necessary to protect rights and improve the lives of disabled people. But there is something wrong when advocates supported by tax dollars impose their ideology on ourselves and our children. There is something wrong when professional advocates feel entitled to determine what is best for us. And there is something terribly wrong when organizations, which support careers in the advocacy business, further their own interests by exploiting the people they claim to serve.

Spare us from friends like these!

ISBN 0-16-046113-8
90000
9 780160 461132